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TOWN OF SHARON

2018 ANNUAL TOWN MEETING WARRANT

With Report & Recommendations of the Finance Committee

Monday, May 7, 2018
Tuesday, May 8, 2018
7:00pm
Sharon High School
Arthur E. Collins Auditorium
181 Pond Street

Registered voters are asked to bring this report to the meeting for use in the proceedings

ANNUAL TOWN ELECTION
Tuesday, May 15
7:00am – 8:00pm
Sharon High School Gymnasium, 181 Pond Street

OPEN WARRANT MEETING
Informal discussion of warrant articles
Monday, April 30 at 7:30pm
Town Hearing Room, Sharon Community Center, 219 Massapoag Avenue

Registered voters planning to attend Town Meeting needing an ASL (American Sign Language) Interpreter are asked to call the Selectmen's Office at 781-784-1500 x1208 one week in advance of the meeting

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A MESSAGE FROM THE MODERATOR

Welcome to the 2018 Annual Town Meeting. In Sharon, Town Meeting is an open process meaning that any registered voter may participate in our legislative process. The function of Town Meeting is to determine the annual budgets for town departments, consider proposed changes in the town's by-laws, and act on other matters which are properly on the agenda.

In an effort to make the Town Meeting experience more efficient and focused on the most important matters for consideration, we will be tweaking the process a bit. The most significant change will be the utilization of a Consent Agenda for disposition of routine and non-controversial articles in one overall motion. In other words, the articles on the consent agenda are those which should not generate controversy and as such can be properly voted without debate as one single motion. If, at the call of the Consent Agenda, seven (7) or more voters object to any particular article being included in the Consent Agenda, that article will be removed and considered separately. After the calling of the individual items in the Consent Agenda, the Moderator will ask for a motion requesting voters to pass all items remaining as a unit under a single motion. This process, which is used by many towns in Massachusetts with great success, should speed up the handling of non-controversial items so our time can be better devoted to issues of great importance to the town.

Following the opening of Town Meeting on Monday, May 7, 2018, the Consent Agenda will be taken up first. A brief explanation of each consent agenda Article can be found in this Warrant, and the proposed motion shall read as follows:

MOTION: Moved that the Town take Articles 1, 2, 3, 9, 10, 11, 14, 15 and 16 out of order and that they be "Passed by Consent" in accordance with the motion shown in the 2018 Annual Town Meeting Warrant.

#	Article
1	Appoint Finance Committee Members & Nominating Committee of the Finance Committee Members
2	Act on Reports
3	Sharon Friends School Fund Records & Appointments
9	Norfolk County Retirement Annual Assessment
10	Unemployment Fund
11	Funding Other Post-Employment Benefits (O.P.E.B.) Trust Fund
14	Revolving Fund Authorizations
15	Property Tax Exemptions
16	Annual Audit Appropriation

Another change this year is the scheduling of zoning articles to be considered for the second night of Town Meeting - Tuesday, May 8th. The idea behind this change is the recognition of the challenge for some residents to attend the entire town meeting. Many citizens have an interest in some, but not all articles, and would like to participate in their consideration. This schedule will permit voters to prioritize their time by knowing - in advance - what will be taken each night. The

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goal will be to complete all the non-zoning articles on Monday night, which should be achievable if the Consent Agenda is dealt with as intended. Town Meeting will recess on Monday evening after the disposition of Article 19 or completion of the article under consideration at 11:00 p.m., whichever comes first. Town Meeting will reconvene on Tuesday evening and begin with any remaining articles not voted as scheduled on Monday evening or Article 20 if work was completed as scheduled.

Finally, the microphones in the auditorium will be set up as they were last fall to enhance a robust and efficient consideration of each of the articles. Microphone "1" will be at the front of the stage and will be assigned only for presentations and town officials who may need to respond to a question. Microphones "2" and "3" will be in the front of each aisle and will be designated for questions from voters, rather than arguments in favor or in opposition to an article. Microphones "4" and "5" will be in the aisle toward the back. Microphone "4" will be designated for arguments in favor of a proposed article (or proposed amendment) and Microphone "5" will be designated for arguments in opposition.

It is my hope that these changes will lead both to greater participation in Town Meeting and to an orderly consideration of those issues which confront the town this year. If anyone has any further suggestions to make Town Meeting more "user friendly", please feel free me to email me at townmoderator@townofsharon.org.

Thank you for your participation in Town Meeting.

Respectfully,

Andrew D. Nebenzahl
Town Moderator

WARRANT INTRODUCTION

It is the responsibility of the Finance Committee to make recommendations to the voters of Sharon on all matters that come before Town Meeting. The primary task at the Annual Town Meeting is for voters to adopt a budget for the next fiscal year. In addition, Town Meeting makes decisions on strategic issues of the Town such as major capital improvements and zoning. Other matters of Town business that require Town Meeting authorization are brought before the voters to debate and vote.

On May 7th and May 8th, 2018, Annual Town Meeting will convene to decide a variety of issues. Two evenings have been scheduled with the budgetary Articles on Monday, May 7th and the Zoning Bylaw Articles on Tuesday, May 8th.

Of the 24 articles in this Warrant, the majority deal with fiscal matters, including the Fiscal Year (FY) 2019 Town budget, which totals $78,825,646, a 2.06% increase in spending on operations over FY2018. Because it is very important to the Annual Town Meeting process for the voters to have as much relevant information as possible, we will first recap a few points from the budget history and planning process before highlighting some of the other warrant articles.

Budget Background

The budget of the Town of Sharon is generally separated into two components. The first component is the "operational budget" consisting primarily of salaries (about 75%) and smaller of expenses such as supplies, fuel, occupancy costs, etc. The operational budget is divided into three "Sectors": (1) the School Department; (2) the Selectmen (Police, Fire, DPW, Water and most of the other "Town" operational functions); and (3) the Finance Committee (mainly the Town's elected "regulatory functions" such as the Town Clerk, Library, Board of Health, Planning Board, and Board of Appeals). The Water Department has a separate operational budget; as an enterprise fund, it is funded exclusively by water rates and not funded by property taxes. The School Department represents about 75% of the town budget and employees. The Selectmen and Finance Committee Sectors represent about 25% of the town budget and employees. The second component of the budget is comprised of "fixed and uncontrollable" costs. These costs are made up primarily of the Town's debt (principle and interest), property and other insurances, health insurance (for both current and retired employees), and other employee-related costs such as FICA and Medicare. Separate articles fund retirement plan contributions for the non-teaching personnel, other post-employment benefit costs, unemployment compensation, and the annual audit.

Town Planning Process

In 2015, the Finance Committee, Board of Selectmen, School Committee and Capital Outlay Committee first engaged in the start of a collective town planning process facilitated by the Town Administrator and Finance Director. On September 10, 2015, these four bodies held a joint open meeting to review the financial status and significant long term planning needs of the town. This collaborative process has continued. Joint meetings were held in June 2016, July 2017 and January 2018. Long-term financial planning remains essential to managing the Town and is a priority for the Finance Committee.

FY2019 Budget

As directed by Town By-Law, it is the responsibility of the Priorities Committee to develop revenue estimates and allocate those estimated revenues among the three sectors. The Priorities Committee is composed of two representatives each from the Board of Selectmen, School Committee and Finance Committee and is supported by the Town Administrator and Finance Director. Based on estimated available revenues from all sources and assuming not more than a 2.5% increase in property taxes, the Priorities Committee voted in December 2018 to limit spending increases to 2.79% for FY2019 department budgets. The Finance Committee reviewed the budget requests as part of its process of making the recommendations in this warrant. New information on fixed expenses and revenues since that vote allows for ranging percentage increases for each sector to meet varying proposed expenses.

The proposed total FY2019 budget for the Town of Sharon is $78,825,646. The FY2019 Town operating budget request is $58,716,022 (total budget less "fixed and uncontrollable"), comprised of the Selectmen Sector Budget of $13,663,962, School Committee Budget of $43,818,836 and the Finance Committee Budget of $1,233,224. If approved, the Town operating budgets would increase by 3.27%. The FY2019 proposed total budget includes $20,109,624 for the "fixed and uncontrollable" budget items[1]. A summary of the FY2018 and FY2019 budgets is below:

Sector:	FY2018[2]	FY2019	% Change
Finance Committee	$1,181,462	$1,233,224	4.38%
Selectmen	$13,269,301	$13,663,962	2.97%
School Department	$42,414,939	$43,818,836	3.31%
Fixed and Uncontrollable	$20,365,858	$20,109,624	-1.26%
TOTAL	**$77,231,560**	**$78,825,646**	**2.06%**

The proposed FY2019 budget preserves adequate reserves as defined by the bonding agencies. The modest reduction in Fixed and Uncontrollable expenses provides some capacity for future debt as we consider expected modernization of the high school as we begin the next decade. Improvement in the management of the debt and the lowering of interest costs is a very positive achievement. However, salaries and fringe benefits (including "fixed and uncontrollable" such as health insurance, retirement plan obligations and related employment costs) make up a large percentage of the Town's budget. Increases in salaries directly relate to increases in retirement plan costs that are included in the fixed and uncontrollable budget. Because salaries, employee benefits and debt service represent the vast majority of the budget, there are few areas to reduce to offset salary increases and associated costs. If salaries and fringe benefits outpace the growth in assessed property values, the Town will be forced to increase the property tax burden unless new sustainable revenue sources are created. Maintaining the balance between providing

[1] The $3,121,070 for the Water Department enterprise fund operating and capital budgets are fully supported by water utilization.

[2] FY2018 figures adjusted for reallocation of budgets within Finance Committee and Board of Selectmen Sectors.

the services and resources the citizens of Sharon desire and expect, and managing the growth in property taxes is a process that requires constant careful scrutiny.

Annual Town Meeting Articles

Most of the Warrant Articles to be considered at Town Meeting relate to the FY2019 Budget. Article 4 sets the salaries of certain Town employees. Article 5 appropriates the operating budgets and a significant portion of fixed and uncontrollable expenses that comprise the FY2019 Budget, as well as sets the compensation of elected officials. Article 6 funds requested capital purchases that are made annually outside of the department budgets. Article 7 would reduce borrowing by applying bond premiums to project costs. Article 8 relates to projects to be funded with money from the Community Preservation Act reserves managed by the Community Preservation Committee. Articles 9 – 16 relate to some of the items in the fixed and uncontrollable budget that fund certain employee-related costs (Article 9 – Norfolk County Retirement; Article 10 – Unemployment Fund; Article 11 – Other Post-Employment Benefits) as well as the annual audit (Article 16) and annual assessment inspection and valuation services (Article 12).

There are two Articles in this warrant relating to bylaw changes for the Board of Health and Conservation Commission (Articles 13 and 18, respectively). Article 19 would authorize the Town to participate in municipal aggregation of the purchase of electricity. Article 20 is the first of four requests to change zoning bylaws; it would permit the Selectmen to lease certain municipal property to firms seeking to generate electricity from solar collection devices.

The last four Articles are related to recreational marijuana, one of the most controversial issues to face the Town. A ballot petition in November 2016 legalized adult recreational use of marijuana in the Commonwealth. The state legislature established the Cannabis Control Commission (CCC) to " honor the will of the voters of Massachusetts by safely, equitably and effectively implementing and administering the laws enabling access to medical and adult use marijuana." Final regulations were issued by the CCC in March 2018.

The legalization of the adult recreational use of marijuana, like the adult use of alcohol, offers communities an opportunity for increased tax revenues. But the issues surrounding the sighting of a retail marijuana establishment in Sharon are more complex. There are legal and societal issues in addition to the financial impact. The Finance Committee would not have fulfilled their obligation to the citizens of Sharon without considering the issues presented by all three impacts. The Committee has had discussions with advocates and reviewed materials that reflect the legal, social and financial considerations. Ultimately the registered voters of Sharon will each have to decide for themselves. What is presented in the Finance Committee recommendation reflects the Committee's best efforts to fully inform citizens of the issues surrounding the legal adult use of marijuana so that they have a basis for making their decision.

A detailed write up of each article and Finance Committee Recommendations are presented below. The Finance Committee voted timely recommendations for all articles for which it was provided with sufficient information. On those articles for which information was unavailable or lacking at the time the warrant was printed, the Committee will make its recommendations at Town Meeting.

Opportunities to ask questions or give opinions are always available at Finance Committee meetings and at the Open Warrant Meeting on April 30th. Please take time to understand the issues and attend the Annual Town Meeting on May 7th and 8th to make your voice heard.

THE FINANCE COMMITTEE

Patricia-Lee Achorn, Chair; William Brack, Ira Miller, Vice-Chairs; Anja Bernier, Arnold Cohen, Gordon Gladstone, Charles Goodman, Alexander Korin, Daniel Lewenberg, Edward Philips, and Hanna Switlekowski.

TOWN OF SHARON
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING

Norfolk, ss.

To either of the Constables of the Town of Sharon in the County of Norfolk, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Arthur E. Collins Auditorium at Sharon High School, 181 Pond Street, Sharon, Massachusetts on **Monday, May 7, 2018, at 7:00 P.M.**, then and there to act on the following articles:

Article 1: **Appoint Finance Committee Members and Nominating Committee of the Finance Committee Members**

Sponsored by: *Nominating Committee of the Finance Committee*

To see if the Town will chose members of the Finance Committee for three-year terms, and to fill any vacancies on said Committee; and to approve the Moderator's appointments of five members of the Nominating Committee of the Finance Committee for one-year terms; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
The Town of Sharon By-Laws states it is the responsibility of the Nominating Committee of the Finance Committee to present to the voters for approval or other appropriate action its nominees to fill some or all of the expiring terms and vacancies on the Finance Committee.

In May 2018, three members of the Finance Committee are ending their terms, and in addition there is one vacant seat to be filled to bring the committee to the capacity of 12 members, The current incumbents expressed a desire to continue their term and remain on the committee.

The nominating Committee of the Finance Committee has nominated the following Town of Sharon residents to serve on the Finance Committee that will be voted in Article 1 at the Town Meeting on May 7, 2018. A brief biography is being provided by each nominee to allow the Town residents to be familiar with the members of the duly approved nomination.

Incumbents

Charles Goodman: I have been a resident of Sharon for the past 46 years and have had four children and three grandchildren who have attended, or are now attending, Sharon Public Schools. Each attended East Elementary School. I have a Bachelor of Science Degree in Accountancy, am a managing partner in a local CPA firm and have completed courses in Municipal Accounting. I was a Captain in the United States Army Reserves.

My service on the Finance Committee has included the following:

- Seventeen years of service, including serving as chair
- Member of and chair of the priorities committee
- Preparation of receipts and expenditures analysis of Rattlesnake Hill
- Cost analysis of Town Health Insurance
- Liaison to Police, Fire, School and Water departments
- Revenue analysis of the Cape Club of Sharon
- Currently I am a member of the Town Audit Committee

Ira Miller: A Sharon resident since 1979, I have a B.A. and M.Ed. from the University of Massachusetts, Amherst, with a concentration in Educational Media. With over 40 years of experience in health care, education and technology venues, I manage the production of captioning and audio description services for the Media Access Group at WGBH. Our mission is to make all forms of media accessible for viewers with auditory and vision impairments.

Appointed by the Selectmen to the Sharon Cable Advisory Board, as Vice Chairman I oversaw initial license hearings to select a cable television provider. As Chairman, I led the Board of Directors of Sharon Community Television through its creation and first three years of operations.

I have been a member of the Sharon Finance Committee for fifteen years. For eight years, I have served on the Governing Board of the Massachusetts Association of Town Finance Committees and in October was re-elected to a second term as ATFC President. The ATFC maintains and publishes The Finance Committee Handbook, organizes educational and professional meetings for finance committee members, and provides, through its affiliation with the Massachusetts Municipal Association, an avenue for member towns and their committee members to influence state government policies that affect cities and towns. I represent the ATFC as a member of the Executive Committee of the MMA Board of Directors and was recently reappointed by Governor Baker to the Massachusetts Local Government Advisory Commission. The LGAC meets with the Governor and the Lieutenant Governor regularly to discuss issues facing cities and towns and to strengthen the local-state partnership.

Edward (Ted) Philips: A lifelong resident of the Town of Sharon, I am a proud graduate of Sharon High School and received my undergraduate degree in Political Science from the University of Massachusetts at Amherst. I also holds a Master's Degree in Public Administration from the Sawyer School of Business at Suffolk University.

Upon graduating UMass, I joined the Town of Sharon's Finance Committee and served 12 years on the board, three of them as Vice-Chair. I am also a member and former Secretary of the Sharon Lions Club, a member of Sharon's Master Plan Steering Committee, and a former member of the Town of Sharon's 250th Anniversary Committee, which was celebrated in 2015.

Professionally, I work in the Massachusetts House of Representatives for State Representative Lou Kafka, who represents all or part of the towns of Sharon, Walpole, Mansfield, & Stoughton. I have worked with Representative Kafka for the last twelve years, rising from Legislative Aide, to Committee Director, to my current posting as Staff Director.

We, the undersigned, respectfully submit the aforementioned information to the Town of Sharon residents.

Respectfully Submitted,
Gloria Rose, Chair, Charles Goodman, Jacqueline Modiste, Deena Segal, Cheryl Weinstein

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Article 2: **Act on Reports**

Sponsored by: *Board of Selectmen*

To act upon the reports as printed and to hear any other reports and to act thereon.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this pro forma Article authorizes actions to be taken on reports.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 3: **Sharon Friends School Fund Records & Appointments**

Sponsored by: *Board of Selectmen*

To hear the records of the donors of the Dorchester and Surplus Revenue School Fund and Trustees of the Edmund H. Talbot Fund and to choose trustees of the Funds and other officers not on the official ballot; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this pro forma Article authorizes acceptance of the records and appointments of the Sharon Friends School Fund.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 4: **Personnel By-Law**

Sponsored by: *Personnel Board*

To see if the Town will vote to amend the Personnel By-Law of the Town of Sharon as follows, or act in any way relative thereto:

A. By adopting as amendments to said By-Law, the following interim and/or emergency changes, additions or deletions made by the Personnel Board in its authority under Section 2.6 of the By-Law:

1) That Public Health Nurse Sheila Miller is permitted to carry over 5 accrued vacation days into calendar year 2018.

2) That Dispatcher Karen Ganz is permitted to carry over 5 accrued vacation days into calendar year 2018.

3) That Financial Assistant Melissa Healey is permitted to carry over 18 accrued vacation hours into calendar year 2018.

4) That the position of Administrative Assistant to the Executive Director of Council on Aging be renamed as Office Manager/Transportation Coordinator effective October 13, 2016.

5) That the summer positions for the Recreation department formerly known as Camp Counselor and Camp Director will now be known as Sports Program Counselor and Sports Program Supervisor.

B. By striking out all classification schedules and pay schedules in Appendix A and Appendix B and substituting new classification schedules and new pay schedules. Appendix A and Appendix B as of July 1, 2018, except as other dates are specified.

APPENDIX A

THE FOLLOWING POSITIONS CONTAINED WITHIN CLASSIFICATION SCHEDULE SECTION ENTITLED 1.100-1.300 WITH ASSOCIATED PAY SCHEDULE SECTION 2.100-2.300 ARE NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.

EXECUTIVE CATEGORY
July 1, 2018 – June 30, 2019

SECTION 1.100
CLASSIFICATION SCHEDULE

SECTION 2.100
BASE PAY SCHEDULE/ANNUALLY

Position	Minimum	Actual	Maximum
Assessor	$76,040	$93,288	$104,965
Assistant to the Town Administrator	$68,880	$90,906	$94,624
Council on Aging Executive Director	$68,880	$74,675	$94,857
Director of Information Technology	$86,265	$109,824	$121,026
Finance Director	$93,359	$114,417	$135,463
Fire Chief	$103,696	$146,016	$149,345
Library Director	$76,000	$89,360	$95,000
Police Chief	$104,836	TBD	$169,000
Recreation Director	$68,579	$86,527	$94,857
Superintendent of Public Works	$103,328	$137,315	$149,345
Town Administrator	$165,000	$189,488	$200,000
Town Engineer	$82,530	$113,214	$116,109
Treasurer/Collector	$79,415	$79,492	$110,942

SECTION 1.200
CLASSIFICATION SCHEDULE

SECTION 2.200
PAY SCHEDULE

ADMINISTRATIVE ASSISTANT TO THE BOARD OF SELECTMEN
Board of Selectmen (hourly)
July 1, 2018 – June 30, 2019

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
25.87	26.38	26.91	27.45	28.00	28.56	29.12	29.70	30.29	30.91

MISCELLANEOUS
July 1, 2018 – June 30, 2019

Veterans' Agent	20,367	annually								
Sealer of Weights & Measures	4,454									
Assistant Animal Control/ Senior Fill-In Officer	2,500	annually								
Animal Control Fill-In (Weekend/Sick/Holiday/Vac. Coverage)	48.97									
Animal Control Fill-In (Night Pager Coverage)	13.99	per night								
Animal Control Fill-In (After Hour Coverage)	13.99	per call								
Animal Inspector	4,200	annually								
Plumbing/Gas Inspector	25.00	per hour								
Wiring Inspector	25.00	per hour								
Custodian/Maintenance (hourly)	11.00	11.22	11.44	11.67						
DPW Temp/Summer Labor (hourly)	11.00	11.22	11.44	11.67	11.91	12.14	12.39	12.64	12.89	13.15
Per Diem Public Health Nurse	30.00	per hour								
Adult Center Receptionist/Aide	17.70	per hour								
Rec. Basketball League Coordinator	8,300	yearly								

Standing Building Committee Secretary (hourly) steps

Min	2	3	4	5	6	7	8	9	10	11
21.17	21.57	22.00	22.44	22.91	23.34	23.84	24.31	24.79	25.30	25.81

This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

Project Manager for the Standing Building Committee (hourly) steps

Min	2	3	4	5	6	7	8	9	10	11
24.41	24.99	25.52	26.11	26.68	27.28	27.90	28.53	29.18	29.83	30.50

SUMMER EMPLOYMENT - PART-TIME
Effective May 1, 2018 (hourly)

	Step 1	Step 2	Step 3
Waterfront Director	19.00	19.50	20.00
Waterfront Supervisor	15.50	15.75	16.00
Asst. Waterfront Supervisor	14.00	14.50	15.00
Lifeguard (no experience)	12.00		
Lifeguard	12.50	12.75	13.00
Lifeguard & WSI	13.75	14.00	14.25
Private Lessons WSI	25.00	25.00	25.00
Sailing Supervisor	18.00	18.50	19.00
Sailing Assistant Supervisor	13.25	13.50	13.75
Sailing Instructor	11.50	12.00	12.50
Sports Program Supervisor	18.00	18.50	19.00
Program Counselor	11.00	11.50	12.00
Gate Attendant	11.00	11.25	11.50

APPENDIX B

The following positions contained within classification schedule sections entitled 1.400-1.800 with associated pay schedule sections 2.400-2.800 are covered by collective bargaining agreements.

MANAGEMENT PROFESSIONAL CATEGORY
(Formerly administrative, technical and professional category)

SECTION 1.400
CLASSIFICATION SCHEDULE

MP-00	Assistant Town Engineer
MP-0	Building Inspector Water Systems Supervisor
MP-1	Operation Supervisor Public Health Nurse* Forestry & Grounds Supervisor Health Agent for Engineering Conservation Administrator Health Administrator* GIS Coordinator Facilities Supervisor
MP-2	Animal Control Officer* Assistant Recreation Director* Business Manager Info Services/Assistant Library Director* Assistant Operations Supervisor Assistant Supervisor-Water Water Construction Supervisor Water Pump Station Operator
MP-3	Recreation Athletic Supervisor Case Manager/Coordinator of Volunteer Services* Technical Support Specialist*
MP-4	Part-Time Public Health Nurse*

*The following positions work other than a 40-hour work week:

Assistant Recreation Director	37.5 hours
Health Administrator	37.5 hours
Information Services/Assistant Library Director	37.5 hours
Public Health Nurse	30 hours
Case Manager/Coordinator of Volunteer Services	28 hours
Animal Control Officer	25 hours
Technical Support Specialist	19 hours
Part Time Public Health Nurse	2 hours

SECTION 2.400
PAY SCHEDULE/HOURLY
July 1, 2018 – June 30, 2019

	Min	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
MP-00	37.7251	38.5703	39.4412	40.3246	41.2338	42.1685	43.1161	44.0895	45.0754	46.0871	47.1242	48.0667
MP-0	35.7784	36.5854	37.4178	38.2501	39.1209	39.9914	40.9008	41.8101	42.7578	43.7308	44.7168	45.6113
MP-1	33.4608	34.2162	34.9846	35.7531	36.5599	37.4050	38.2374	39.0826	39.9662	40.8880	41.8101	42.6463

MP-2	30.3493	31.0661	31.7320	32.4619	33.1663	33.9218	34.6903	35.4711	36.2781	37.0849	37.9172	38.6754
MP-3	27.8961	28.4795	29.0942	29.7601	30.4260	31.1303	31.8090	32.5519	33.2686	34.0115	34.7798	35.4754
MP-4	25.3292	25.8926	26.4692	27.0579	27.6727	28.3130	28.9277	29.5679	30.2595	30.9126	31.6169	32.2493

LIBRARY CATEGORY
July 1, 2018 – June 30, 2019

LOC-3a	Circulation Supervisor Technical Services Supervisor
LOC-3b	
LOC-4a	Library Assistant Technical Services Assistant Administrative Assistant - Library
LOC-4b	
LMP-3	Head of Youth Services Head of Adult and Technology Services
LMP-4	Children's Librarian Information Services Librarian

	Min	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
OC-3A	24.04	24.52	24.99	25.51	26.01	26.53	27.06	27.61	28.16	28.72
OC-3B	22.76	23.22	23.68	24.15	24.65	25.15	25.64	26.15	26.67	27.20
OC-4A	21.58	22.01	22.44	22.89	23.37	23.80	24.31	24.79	25.28	25.80
OC-4B	20.46	20.88	21.28	21.71	22.16	22.59	23.05	23.52	23.97	24.46
LMP-3	27.85	28.50	29.13	29.78	30.44	31.13	31.84	32.57	33.27	34.02
LMP-4	25.32	25.89	26.48	27.07	27.68	28.29	28.92	29.62	30.28	30.94
L4	23.16	23.61	24.09	24.58	25.07	25.56	26.06	26.57	27.11	27.67
Library Page	11.44									

LABOR CATEGORY

SECTION 1.500
CLASSIFICATION SCHEDULE

Grade A	Working Foreman (F&G, Water, Operations), Senior Water Systems Technician
Grade B	Master Mechanic
Grade C	Aerial Lift Oper., Heavy Equip. Oper., Water Sys. Tech., Working Foreman/Facilities Maint-Comm Ctr
Grade D	Night Custodian
Grade E	Auto Equipment Operator, Recreation Custodian, Maint Man/Custodian DPW

SECTION 2.500
PAY SCHEDULE/HOURLY
July 1, 2018 - June 30, 2019

Grade	Step 1	2	3	4	5	6	7	8	9	10	11	12
A	27.50	28.24	28.94	29.70	30.43	31.17	31.94	32.67	33.39	34.13	34.81	35.51
B	26.31	26.90	27.48	28.06	28.62	29.24	29.80	30.40	30.98	31.57	32.20	32.85
C	24.03	24.68	25.31	25.96	26.58	27.24	27.90	28.54	29.18	29.82	30.41	31.02
D	24.27	24.76	25.26	25.78	26.29	26.81	27.35	27.89	28.45	29.02	29.60	30.19
E	23.03	23.50	23.96	24.46	24.92	25.41	25.94	26.45	26.98	27.51	28.06	28.62

OFFICE OCCUPATION CATEGORY

SECTION 1.600
CLASSIFICATION SCHEDULE

OC-1	Assistant Accountant Assistant Treasurer/Collector
OC-2a	Administrative Asst.-Assessor Office Manager/Transportation Coordinator Administrative Fire Secretary/Ambulance Records Supervisor Assistant Town Clerk Confidential Secretary to the Police Chief Financial Assistant - Payroll/Revenue
OC-2b	Collections Supervisor Payroll/Benefits Administrator
OC-3a	Election & Registration Secretary Financial Asst-Accounting /Veterans
OC-3b	Activities/Program Coordinator COA Secretary - Building & Engineering Secretary - DPW Operations Division Secretary - Water Secretary - Recreation Senior Assessor Clerk Secretary-Conservation Commission Financial Assistant – Treasurer/Collector
OC-4a	Administrative Asst to the Planning Board Administrative Asst to the Board of Health Secretary – Fire Department
OC-4b	Bus/Van Driver Police Clerk Secretary-Community Preservation Secretary-Zoning Board of Appeals
OC-5	Secretary-Finance Committee

Secretary-Personnel Board
Secretary to a Board or Committee

SECTION 1.600
CLASSIFICATION SCHEDULE

SECTION 2.600
PAY SCHEDULE/HOURLY

July 1, 2017 - June 30, 2018

Grade	Min	Step	Step	Step	Step	Step	Step	Step	Step	Step1	Step
OC-1	29.1	29.69	30.28	30.89	31.52	32.14	32.78	33.44	34.11	34.79	35.49
OC-2a	26.2	26.73	27.27	27.82	28.39	28.95	29.53	30.12	30.72	31.33	31.96
OC-3a	25.0	25.57	26.08	26.61	27.14	27.68	28.23	28.79	29.38	29.97	30.57
OC-4a	23.5	24.03	24.52	25.01	25.51	26.02	26.54	27.07	27.61	28.16	28.72
OC-5	22.3	22.77	23.23	23.68	24.15	24.63	25.13	25.63	26.14	26.66	27.20
	21.1	21.57	22.00	22.44	22.91	23.34	23.84	24.31	24.79	25.30	25.81
	20.0	20.47	20.88	21.30	21.73	22.16	22.59	23.05	23.51	23.98	24.46
	18.05	18.41	18.78	19.16	19.54	19.93	20.33	20.74	21.15	21.56	22.00

This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

PUBLIC SAFETY CATEGORY

SECTION 1.700
CLASSIFICATION SCHEDULE

SECTION 2.700
PAY SCHEDULE/WEEKLY

POLICE DEPARTMENT
July 1, 2017 – June 30, 2018

Patrolman PD-60	PD-60A Recruit	PD-60B Step 1	PD-60C Step 2	PD-60D Step 3	PD-60E Step 4	PD-60F Step 5	PD-60G Step 6	PD-60H Step 7	PD-60I Step 8
	883.50	943.02	1,005.23	1,056.96	1,112.15	1,134.43	1,157.13	1,186.06	1,224.89

Sergeant PD-80	PD-80A Step 1	PD-80B Step 2	PD-80C Step 3	PD-80D Step 4	PD-80E Step 5
	1,332.97	1,359.66	1,386.82	1,414.56	1,442.85

This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

The amounts of pay shown in the above schedule for position code PD-60 and PD-80 do not include the extra pay for educational qualifications provided for in the statutes and regulations of the State.

Members of the Police Department, while so designated by the Chief of Police, shall receive additional compensation to be considered part of their base pay as follows:

Prosecutor	50.00	per week
Detective Patrol Officer	50.00	per week
Detective Sergeant	25.00	per week when assigned to two of the four shifts in the 4-2 schedule
Detective Sergeant	50.00	per week when assigned solely to the Detective unit
Motorcycle Operator (Selective Enforcement)	32.54	per week
Accreditation Manager, Computer Manager	32.54	per week
Crime Prevention Officer	32.54	per week
Special Assignment Officer	32.54	per week
LEAPS Representative	10.00	per week

DISPATCHERS
July 1, 2018 – June 30, 2019

Relief 1	Relief 2	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
22.55	23.00	23.46	23.93	24.41	24.90	25.40	25.91	26.43	26.96

POLICE CROSSING GUARDS
July 1, 2018 – June 30, 2019

			Daily Rate
School Crossing Guard	PD-20	Step 1	39.70
		Step 2	43.26
		Step 3	47.56
School Crossing Guard Supervisor	PD-20A		59.58

SUPERIOR OFFICERS
July 1, 2018 – June 30, 2019

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1,986.18	2,066.03	2,148.40	2,213.35	2,279.74	2,325.34

FIRE DEPARTMENT
July 1, 2018 – June 30, 2019

SECTION 1.410
CLASSIFICATION SCHEDULE

SECTION 2.410
PAY SCHEDULE/WEEKLY

		Step 1	Step2	Step 3	Step 4
Capt/EMT	FD90	1,455.63	1,484.74	1,558.98	
Capt/Medic	FD92	1,502.39	1,532.44	1,609.06	
Lt/EMT	FD80	1,327.55	1,380.66		
Lt/Medic	FD82	1,377.07	1,432.15		
F/F-EMT	FD60	1,072.29	1,122.01	1,170.41	1,252.42
F/F-Medic	FD62	1,119.03	1,168.76	1,197.38	1,299.15

Members of the Fire Department are eligible to receive additional compensation in each fiscal year in accordance with the following educational incentive program:

For 30 Course Credits certified	14.50	per week
For 45 Course Credits certified	19.25	per week
For an Associate Degree certified	40.00	per week
For a Bachelor's Degree certified	65.00	per week
For a Master's Degree certified	72.00	per week

CALL FIREFIGHTERS
July 1, 2010 – June 30, 2011
Hourly compensation rate: $20.00

This is the rate that has been in effect, and will continue to be in effect, until such time as a new collective bargaining agreement is executed.

The following positions contained within classification schedule section entitled 1.100 – 1.300 with associated pay schedule section 2.100 – 2.300 are not covered by collective bargaining agreements, effective July 1, 2018 – June 30, 2019.

Deputy Police Chief	TBD	
Deputy Fire Chief	$2,215	per week

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article would amend the Town's Personnel By-Law and implement the listed increases in salaries and wages for executive employees. Compensation for elected officials is dealt with in Article 5 of the Warrant.

The majority of the salaries contained in Article 4 are union contracts negotiated by the Board of Selectmen. This year increases range between 2% and 4% dependent on the individual bargaining unit's "steps". Also included in this Article is the compensation for the "Executive Category." For this group the Selectmen propose salary increases and request concurrence of the Personnel Board. This year, the Executive salary adjustments vary between 3% and 4%, based on the results of the individual's annual performance review.

In the fall of 2017 the Personnel Board requested information about executive's salaries, by individual job title, from fifteen towns (three adjacent and twelve considered comparable to

Sharon). This extensive survey included information on minimum and maximum salary range, actual salary, steps in salary range, years of service, insurance (health, life) and funded deferred compensation.

That information was evaluated as follows to determine new executive salary ranges:

1. The median, minimum and maximum salaries were calculated to determine Sharon minimum and maximum salary ranges per position
2. 10% was added to the maximum salary range to assure that no incumbent would reach maximum before the next three year survey
3. The maximum salary for each range was tested against three years of salary growth at 3% per annum.

The minimum and maximum salary ranges will remain for three years (FY2019-FY2021) when the survey will be repeated. A listing of all Town employee salaries can be found in the annual Town Report.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-1 IN FAVOR OF APPROVAL.

Article 5: **FY2019 Budget & Compensation of Elected Officials**

Sponsored by: *Finance Committee*

To fix the compensation of elected officers, to provide for a Reserve Fund, and to determine what sums of money the Town will raise and appropriate, including appropriation from other available funds, to defray charges and expenses of the Town, including debt and interest, for the Fiscal Year beginning July 1, 2018; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article will fund FY2019 town operations as detailed. The Finance Committee has a statutory obligation to present to Town Meeting, for debate and approval, budgets for all town departments. The town departments are divided into three sectors: Selectmen, School Committee and Finance Committee. Each sector must develop budgets for their respective departments in the months leading up to Town Meeting.

As directed by town By-Law, it is the responsibility of the Priorities Committee to develop revenue estimates and allocate those estimated revenues among the three sectors. It is the statutory responsibility of the Finance Committee to recommend to Town Meeting the amount to be spent.

This year, the Priorities Committee, based on available revenues from all sources assuming not more than a 2.5% increase in taxes permitted by Proposition 2½, voted to limit spending increases to an amount not to exceed the revenue generated within that limit for the three operational budget sectors. The requested amount for FY2019's Town operating budget appropriation is $58,716,022 (total budget less "fixed and uncontrollable") is allocated among the budget sectors as follows:

Selectmen Budget of $13,663,962, School Committee budget of $43,818,836 and the Finance Committee Budget $1,233,224.

Note that the proposed total FY2019 budget for the Town of Sharon is $78,825,646 ($58,716,022 operating plus $20,109,624 fixed and uncontrollable). The total requested amount for the FY2019 town budget appropriation includes $20,109,624 for the "fixed and uncontrollable" budget items (items such as health and other insurances, debt service and street lighting). If approved, the Town would increase spending by $1,823,900 or an increase of 2.36%.

Items such as the retirement contribution, OPEB funding, payments into the unemployment fund, and the cost of the annual audit are included in the total amount but are funded through separate articles.

In addition, the proposed FY2019 budget for the Water Department totals $3,118,632 (including capital to be appropriated under Article 6). As an enterprise fund, the Water Department is funded exclusively by water rates.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Account		FY19 Approp.	% over FY18	FY18 Approp.	% over FY17	FY17 Appropr	% over FY16	FY16 Appropr	% over FY15
114	Moderator	$ 50.00	0.00%	$ 50.00	0.00%	$ 50.00	0.00%	$ 50.00	0.00%
131	Finance Committee	$ 17,255.00	-6.98%	$ 18,550.00	-15.63%	$ 21,986.00	-6.77%	$ 23,582.00	0.00%
152	Personnel Board	$ 3,177.00	0.00%	$ 3,177.00	-11.48%	$ 3,589.00	0.00%	$ 3,589.00	0.00%
161	Town Clerk	$ 165,478.00	3.83%	$ 159,380.00	2.96%	$ 154,803.00	5.95%	$ 146,111.00	-6.63%
610	Library	$ 1,047,264.00	4.69%	$ 1,000,305.00	3.26%	$ 968,764.00	4.36%	$ 928,282.00	2.07%
	Total Fin. Com. Budgets	**$ 1,233,224.00**	**4.38%**	**$ 1,181,462.00**	**2.81%**	**$ 1,149,192.00**	**4.32%**	**$ 1,101,614.00**	**0.77%**
122	Selectmen	$ 399,570.00	4.60%	$ 382,003.00	1.58%	$ 376,059.00	-6.35%	$ 401,537.00	40.84%
135	Accountant	$ 263,438.00	3.38%	$ 254,823.00	2.30%	$ 249,100.00	-5.26%	$ 262,924.00	1.87%
141	Board of Assessors	$ 217,527.00	-8.27%	$ 237,132.00	-2.61%	$ 243,490.00	4.50%	$ 233,014.00	-0.44%
145	Treasurer	$ 329,632.00	-3.31%	$ 340,931.00	-6.48%	$ 364,568.00	-4.26%	$ 380,805.00	-6.54%
151	Law	$ 141,500.00	4.04%	$ 136,000.00	2.03%	$ 133,300.00	0.00%	$ 133,300.00	2.32%
155	Information Technology	$ 304,272.00	-2.92%	$ 313,437.00	8.50%	$ 288,883.00	13.00%	$ 255,647.00	1.36%
162	Elections & Registrations	$ 137,249.00	36.16%	$ 100,803.00	-22.54%	$ 130,128.00	18.60%	$ 109,720.00	-6.66%
171	Conservation Commission	$ 123,330.00	2.62%	$ 120,185.00	1.26%	$ 118,685.00	1.59%	$ 116,830.00	4.61%
172	Lake Management	$ 6,500.00	0.00%	$ 6,500.00	160.00%	$ 2,500.00	0.00%	$ 2,500.00	0.00%
175	Planning Board	$ 13,600.00	0.00%	$ 13,600.00	0.00%	$ 13,600.00	0.00%	$ 13,600.00	0.00%
176	Board of Appeals	$ 22,563.00	0.00%	$ 22,563.00	0.59%	$ 22,430.00	0.57%	$ 22,303.00	1.38%
195	Town Report	$ 14,375.00	7.48%	$ 13,375.00	0.00%	$ 13,375.00	7.65%	$ 12,424.00	-2.17%
210	Police	$ 3,738,688.00	3.48%	$ 3,613,097.00	0.41%	$ 3,598,465.00	3.06%	$ 3,491,762.00	0.00%
220	Fire/Ambulance	$ 3,461,955.00	4.66%	$ 3,307,856.00	3.20%	$ 3,205,441.00	5.03%	$ 3,052,058.00	3.26%
244	Weights & Measures	$ 5,167.00	2.13%	$ 5,059.00	1.73%	$ 4,973.00	1.72%	$ 4,889.00	2.00%
249	Animal Inspector	$ 4,350.00	2.52%	$ 4,243.00	1.95%	$ 4,162.00	1.93%	$ 4,083.00	1.95%
291	Civil Defense	$ 11,472.00	17.40%	$ 9,772.00	0.00%	$ 9,772.00	0.00%	$ 9,772.00	0.00%
292	Animal Control Officer	$ 79,327.00	1.18%	$ 78,403.00	1.64%	$ 77,138.00	1.63%	$ 75,902.00	4.32%
400	Dept of Public Works	$ 3,543,382.00	1.36%	$ 3,495,681.00	7.10%	$ 3,263,942.00	2.63%	$ 3,180,308.00	9.04%
510	Board of Health - Services & Admin	$ 217,502.00	5.51%	$ 206,146.00	2.54%	$ 201,049.00	3.66%	$ 193,953.00	18.55%
541	Council on Aging	$ 303,731.00	2.51%	$ 296,304.00	2.10%	$ 290,206.00	-1.26%	$ 293,908.00	5.14%
543	Veterans Agent	$ 68,402.00	0.59%	$ 68,002.00	5.35%	$ 64,550.00	12.92%	$ 57,164.00	4.49%
544	Veterans Graves	$ 5,400.00	8.00%	$ 5,000.00	8.70%	$ 4,600.00	10.84%	$ 4,150.00	10.02%
545	Commission on Disability	$ 500.00	0.00%	$ 500.00	0.00%	$ 500.00	0.00%	$ 500.00	0.00%
630	Recreation	$ 242,580.00	4.36%	$ 232,436.00	2.60%	$ 226,537.00	5.53%	$ 214,659.00	5.00%
691	Historical Commission	$ 650.00	0.00%	$ 650.00	0.00%	$ 650.00	0.00%	$ 650.00	0.00%
692	Community Celebrations	$ 7,300.00	52.08%	$ 4,800.00	0.00%	$ 4,800.00	49.07%	$ 3,220.00	22.90%
	Total Selectmen Budgets	**$ 13,663,962.00**	**2.97%**	**$ 13,269,301.00**	**2.76%**	**$ 12,912,903.00**	**3.04%**	**$ 12,531,582.00**	**4.32%**

Account		FY19 Approp.	% over FY18	FY18 Approp.	% over FY17	FY17 Appropr	% over FY16	FY16 Appropr	% over FY15
310	School Department	$ 43,818,836.00	3.31%	$ 42,414,939.00	2.79%	$ 41,263,961.00	3.18%	$ 39,991,553.00	3.45%
	Total School Department	**$ 43,818,836.00**	**3.31%**	**$ 42,414,939.00**	**2.79%**	**$ 41,263,961.00**	3.18%	**$ 39,991,553.00**	3.45%
320	Voc Tech School	$ 230,320.00	-3.80%	$ 239,410.00	-12.75%	$ 274,388.00	-4.89%	$ 288,502.00	26.21%
321	Voc Tuition/Norfolk Ag. Tuition	$ 7,860.00	-34.50%	$ 12,000.00	-33.33%	$ 18,000.00	12.50%	$ 16,000.00	-44.83%
9299	ARC of South Norfolk	$ 9,916.00	0.00%	$ 9,916.00	0.00%	$ 9,916.00	0.00%	$ 9,916.00	0.00%
132	Reserve Fund	$ 500,000.00	0.00%	$ 500,000.00	0.00%	$ 500,000.00	0.00%	$ 500,000.00	42.86%
490	Street Lighting	$ 192,549.00	0.00%	$ 192,552.00	2.39%	$ 188,052.00	0.29%	$ 187,500.00	0.00%
511	Board of Health - Waste Removal	$ 89,500.00	-25.10%	$ 119,500.00	0.00%	$ 119,500.00	0.00%	$ 119,500.00	1.27%
710	Debt: Principal	$ 6,440,000.00	-5.41%	$ 6,808,327.00	2.05%	$ 6,671,697.00	-10.11%	$ 7,421,797.00	20.81%
751	Debt Long term:Interest	$ 2,123,949.00	2.30%	$ 2,076,129.00	-4.20%	$ 2,167,138.00	-12.37%	$ 2,473,108.00	26.33%
914	FICA: Medicare	$ 735,000.00	1.38%	$ 725,000.00	0.76%	$ 719,535.00	2.00%	$ 705,427.00	4.00%
915	FICA: Social Security	$ 10,500.00	0.49%	$ 10,449.00	0.00%	$ 10,449.00	2.00%	$ 10,244.00	4.00%
916	Benefits Accrual			$ -		$ -		$ -	-100.00%
920	Insurance	$ 9,770,030.00	1.01%	$ 9,672,575.00	6.65%	$ 9,069,740.00	1.17%	$ 8,965,076.00	-0.39%
	Total Fixed & Uncontrollable	**$ 20,109,624.00**	**-1.26%**	**$ 20,365,858.00**	**3.13%**	**$ 19,748,415.00**	-4.58%	**$ 20,697,070.00**	10.40%
	Town Total	**$ 78,825,646.00**	**2.06%**	**$ 77,231,560.00**	**2.87%**	**$ 75,074,471.00**	1.01%	**$ 74,321,819.00**	5.40%
450	Water Department	$ 3,121,070.00	-28.85%	$ 4,386,431.00	-15.75%	$ 5,206,288.00	24.16%	$ 4,193,077.00	51.49%
	Water Dept.- Reserve	$200,000	0.00%	$ 200,000.00	0.00%	$ 200,000.00	0.00%	$ 200,000.00	
	Total Water Department	**$ 3,321,070.00**	**-27.59%**	**$ 4,586,431.00**	**-15.16%**	**$ 5,406,288.00**	23.06%	**$ 4,393,077.00**	58.71%
	Total GF Budgets Less Fixed	**$ 58,716,022.00**	**3.25%**	**$ 56,865,702.00**	**2.78%**	**$ 55,326,056.00**	**3.17%**	**$ 53,624,749.00**	**3.59%**

Article 6: **Capital Outlay**

Sponsored by: *Board of Selectmen*

To see if the Town will vote to consider the following items A through N, which will be voted as a block, or singly, or in any combination, but however voted, will be treated as a separate article and to raise and appropriate a sum of money for each of the capital outlay purposes herein mentioned, and to determine whether the money shall be raised by borrowing, taxation, grant funds, previously approved but unexpended capital funds or otherwise; or act in any way relative thereto.

DEPARTMENT OF PUBLIC WORKS

6A. Resurfacing of public ways and for the reconstruction of sidewalks by the Department of Public Works

6B. Purchase of additional departmental equipment by the Department of Public Works

6C. Remodeling, reconstruction, and extraordinary repair to public buildings by the Department of Public Works

WATER DEPARTMENT

6D. The relaying of water mains for the Water Department

6E. The replacement of water tank

SCHOOL DEPARTMENT

6F. Purchase of additional departmental technology equipment by the School Department

6G. Purchase of additional furniture for the School Department

6H. Remodeling, reconstruction, and extraordinary repair to public buildings by the School Department

6I. Purchase of additional departmental equipment by the School Department

6J. Construction design for remodeling and resurfacing parking lot by the School Department

FIRE DEPARTMENT

6K. Purchase of additional departmental equipment by the Fire Department

POLICE DEPARTMENT

6L. Purchase of additional departmental equipment by the Police Department

RECREATION DEPARTMENT

6M. Purchase of additional departmental equipment by the Recreation Department

CIVIL DEFENSE

6N. Construction of public building by Civil Defense

FINANCE COMMITTEE RECOMMENDATION:
Approval of Article 6 items 6A through 6N will raise and appropriate, borrow or use previously authorized, but unexpended capital project funds to finance purchases for the purpose stated:

DEPARTMENT OF PUBLIC WORKS

6A. $680,000 to be borrowed for roads and sidewalks as follows:

a. $250,000 for the reconstruction of sidewalks on Mitchell and Laurel Roads
b. $430,000 for the reconstruction of sidewalks on Williams Road and Bishop Road and the construction of a sidewalk at and the repaving of the Community Center access road. The funds appropriated under this article will be augmented by $510,000 of Chapter 90 funds from the Commonwealth

6B. $230,500 to be borrowed for the purchase of the following:

a. $214,000 to be borrowed for the purchase of a large dump truck to replace either a 21 or 22 year old truck
b. $16,500 to be borrowed for the purchase of grapple buckets as accessories to an existing front end loader. The grappler is used to move large trees, pipes, etc.

6C. $97,000 to be borrowed for the remodeling, reconstruction and making extraordinary repairs to public buildings by the Department of Public Works as follows:

a. $62,000 to be borrowed for the replacement of the 1981 original aluminum frame windows in the DPW main office building which are energy inefficient, and trim board /siding replacement.
b. $35,000 to be borrowed for the purchase of a natural gas backup generator for the DPW double wide trailer. The trailer is the command center for supervision of snow plowing during storms

WATER DEPARTMENT

6D. $1,390,000 total, of which $668,930 is to be funded by water use fees, $71,070 is to be funded by Water enterprise fund retained earnings, and $650,000 is to be borrowed, to complete the

replacement of water mains in the South Pleasant Street neighborhood and to replace water mains in the area south of South Main Street between Lee Road and Clarke Street.

6E. $1,750,000 to be borrowed for the replacement of the Massapoag Avenue water storage tank.

SCHOOL DEPARTMENT

6F. A total of $278,250 for the purchase of departmental technology equipment as follows:

a. $114,000 of cash to be raised and appropriated for the purchase of Google Chromebooks and Macbook Airs in a continuation of the 1:1 program which over a period of years will provide all students in grades 8-12 with a computer for school use.
b. $100,000 to be borrowed for the purchase of 50 MacBook Airs and 150 Chromebooks for grades 6 and 7.
c. $14,250 of cash to be raised and appropriated for replacement of approximately 15 teachers' laptops. Still functioning devices will be re-purposed in the elementary schools.
d. $25,000 to be borrowed to provide additional wireless access points and infrastructure (switch gear, servers, etc.) across the district to maintain/improve Wi-Fi.
e. $25,000 to be borrowed for replacement of approximately 15 old or broken projectors across the district.

6G. $23,000 to be borrowed to replace classroom furniture district-wide.

6H. A total of $360,875 for the remodeling, reconstruction and extraordinary repair to public buildings by the School Department as follows:

a. $40,000 to be borrowed for the purchase and installation of acoustic amplification equipment in one first grade level classroom in each of the elementary schools to enhance the ability of teachers to be able to better communicate with children with hearing impairment and other learning disabilities. It is planned to upgrade one grade level per year.
b. $30,360 to be borrowed to replace old (1958) double access doors at Cottage Street School to today's standard of smoke doors tied into the fire alarm system.
c. $27,500 to be borrowed for design and $148,740 of a Green Communities grant to be expended to replace outdated fluorescent lights at East Elementary. It is anticipated that the cost will be recovered in five years by the savings in electricity usage.
d. $46,125 to be borrowed for the replacement of three doors (1960) in the High School cafeteria to today's standard of smoke doors tied into the fire alarm system.
e. $68,150 to be expended, of which $17,720 will be borrowed and $50,430 will be funded by unexpended capital projects funds, to air condition the library at Heights Elementary. Heights is the only school in the district whose library is not air conditioned. The school is the location of summer programs, including the district program for autistic children.

6I. $90,000 to be borrowed for the replacement of SPED vans including the purchase of a lift van. Any useful van being replaced will be repurposed to other uses/departments.

6J. $70,500 to be borrowed for design services for the parking lot and street/traffic light configuration at Heights. The parking lot was installed in 1994 and requires an annual expenditure of $10,000 to $15,000 for repairs. Additionally, the street/light/parking lot configuration for drop off and pickup is dangerous and needs to be studied and reconfigured.

6K. FIRE DEPARTMENT

$750,000 to be borrowed for the purchase of a new pumper truck. This will replace a 1996 pumper whose body has rusted from road salt, especially the cradle and frame rails holding the heavy water tank. The requested amount includes funds for the purchase of necessary accessory equipment such as the Jaws of Life, two-way radios, some replacement fire hoses and nozzles, vehicle stabilization tools, and other related items to be part of the truck equipment.

6L. POLICE DEPARTMENT

$136,300 of cash to be raised and appropriated for the replacement of three cruisers and replacement of five old and slow laptop computers in existing cruisers.

6M. RECREATION DEPARTMENT

$19,000 to be borrowed for the purchase of a "gator" vehicle (a small utility vehicle) to assist in trash removal and the daily cleaning of goose waste at the beach. The Recreation Department will investigate methods of moving this off road vehicle between the Town beaches.

6N. CIVIL DEFENSE

6N. $340,000 to be borrowed for the construction of a storage and workplace facility for the Civil Defense department. There is no Town facility capable of housing the vehicles and equipment or providing a work area for Civil Defense as a result of the building of the Public Safety building and the demolition of the former fire station on which the new Town Hall will be constructed. Civil Defense needs a new location to properly house equipment and to provide workshop space.

The Board of Selectmen voted 3-0-0 in favor of approval.

The Capital Outlay Committee voted 8-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-1 IN FAVOR OF APPROVAL.

NOTE: As the Warrant goes to press, the Board of Selectmen voted to change the proposed site for the Civil Defense building from Parcel F (area south of the parking lot at Deborah Sampson Park) to an unused portion of the SYBSA baseball and softball fields (the so called "triangle lot" [Parcel T] to be created consisting of approximately 37,460s.f. fronting South Main Street). In order to site the building, Town Meeting will need to vote to allow for this use on land currently restricted to "outdoor recreation use" and replace the permitted use approved at the May 2010 Annual Town Meeting for Parcel F for "recreation, library, police or municipal office purposes" with "outdoor recreation use." Parcel F is 2.20 acres or approximately 95,830 s.f.

The Finance Committee will be reviewing the location change prior to Annual Town Meeting and reserves the right to present a revised recommendation when Article 6 (item 6N) is considered.

Article 7: Application of Bond Premium

Sponsored by: Board of Selectmen

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article will authorize the Town to apply bond premium residuals (premium remaining after paying the cost of issuance) to pay project costs, reducing the amount borrowed for the project.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 8: Community Preservation Act Annual Funding & Projects

Sponsored by: *Community Preservation Committee*

To see if the Town will vote to hear and act upon the recommendations of the Community Preservation Committee as follows: That the following amounts be appropriated or reserved from Fiscal Year 2019 Community Preservation Fund Revenues, unless otherwise specified, for Fiscal Year 2019 Community Preservation purposes with each item considered a separate appropriation:

That the Town raise and appropriate the funds as shown in the breakdown below:

APPROPRIATIONS:

Purpose	Recommended Amount	Funding Source
Budget – Salaries	$4,000	FY2019 Annual Estimated Revenues
Budget – Expenses	$16,000	FY2019 Annual Estimated Revenues

RESERVES:

Purpose	Recommended Amount	Funding Source
Open Space	$49,000	FY2019 Annual Estimated Revenues
Historic Resources	$49,000	FY2019 Annual Estimated Revenues
Community Housing	$49,000	FY2019 Annual Estimated Revenues
Fund Balance Reserve for CPA	$323,000	FY2019 Annual Estimated Revenues

(Community Preservation Committee Annual Funding – To raise and appropriate up to 5% of the Town's portion of the expected Fiscal Year 2019 Community Preservation Fund Revenues, to permit the Community Preservation Committee to expend funds as it deems necessary for its administrative and operating expenses, in accordance with the provisions of M.G.L. Ch.44B, Sec 6 and amendments thereof.)

Category	Project	Amount	Funding Source
Recreation	Dr. Walter A. Griffin Playground Enhancements	$131,468	Undesignated Fund Balance

(To appropriate, as recommended by the Community Preservation Committee, for the purchase and construction of harmony notes, big chute climber and to repair the concrete walkway at the Dr. Walter A. Griffin Playground, for recreation purposes under the Community Preservation Act, and to appropriate from Undesignated Fund Balance the sum of $131,468 to the Recreation Department for such purposes.)

Category	Project	Amount	Funding Source
Recreation	Veterans Memorial Park Beach Improvements	$84,926	Undesignated Fund Balance

(To appropriate, as recommended by the Community Preservation Committee, for improvements including a guard booth, drinking fountain, rinse station, composite decking for the concession stand, landscaping and perimeter edging, for recreation purposes under the Community Preservation Act, and to appropriate from Undesignated Fund Balance the sum of $84,926 to the Recreation Department for such purposes.)

Category	Project	Amount	Funding Source
Historic	Town Hall Archival Project	$50,000	Undesignated Fund Balance

(To appropriate, as recommended by the Community Preservation Committee, for the labor, supplies and microfilming of historical records at Town Hall, for historic purposes under the Community Preservation Act, and to appropriate from Undesignated Fund Balance the sum of $50,000 to the Office of the Town Clerk for such purposes.)

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will appropriate and reserve the sum of $470,000 from the Town's Community Preservation Fund (CPF).

The total estimated FY2019 CPA revenues are $490,000 of which $400,000 is estimated from local surcharge and $90,000 from state match. The Town proposes to reserve $470,000 and appropriate $20,000 for administrative costs. The Town also proposes to appropriate $266,394 from the accumulated funds and current reserves for the three projects described above. The $20,000 annual appropriation for administrative expenses includes $4,000 for salaries and $16,000 for expenses; any unused administrative expense is returned to the fund.

The Community Preservation Act (CPA) was signed into law in September 2000, permitting communities to form a Community Preservation Fund (CPF) to be used "for open space protection, historic preservation, affordable housing and outdoor recreation," administered locally by a Committee Preservation Committee (CPC).

The Community Preservation Act requires that the fund reserve annually 10% of its revenues for: Open Space (excluding recreational), Historic Preservation and Affordable Housing, with the balance to be used by the CPC in any of the areas described.

The CPC recommends that the Town approve payment for the projects described above from accumulated and current reserves.

The Board of Selectmen voted 3-0-0 in favor of approval.

The Community Preservation Committee voted 4-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 9: **Norfolk County Retirement Annual Assessment**

Sponsored by: *Board of Selectmen*

To see if the Town will vote to raise and appropriate a sum of money to be added to the special fund established to pay the Norfolk County Retirement Board for the Annual Assessment costs chargeable to the Town, and determine whether the money shall be provided by taxation, by transfer from available funds, by a combination thereof; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article will allow the Town to pay its assessment costs pertaining to the Norfolk County Retirement. The monies are used to fund pension liabilities of past and current Town employees.

At the time of the vote on this recommendation, the expected appropriation for FY2019 was $3,553,144, a 4.5% increase over last year's obligation of $3,399,280.

Since the Town has no choice but to fund its obligations to Norfolk County Retirement, the Finance Committee voted in favor of approval. Members of the Finance Committee expressed their concern over the ever increasing Town obligation for public sector pensions.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 10: **Unemployment Fund**

Sponsored by: *Board of Selectmen*

To see if the Town will vote to raise and appropriate a sum of money to be added to the special fund established to reimburse the Massachusetts Division of Employment and Training for the actual costs of benefits paid to former Town employees and chargeable to the Town, and determine whether to meet said appropriation by taxation, by transfer from available funds, by a combination thereof; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article will allow the Town to appropriate $75,000 to the Unemployment Fund used to reimburse the Massachusetts Division of Employment and Training for the actual costs of benefits paid to former Town employees.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 11: **Funding Other Post-Employment Benefits (O.P.E.B.) Trust Fund**

Sponsored by: *Board of Selectmen*

To see if the Town will vote to raise and appropriate a sum of money to be added to the Other Post-Employment Benefits (O.P.E.B.) Trust Fund established to fund the presently unfunded liability of future health insurance costs for current town retirees and employees, and to determine whether to meet said appropriation by taxation, by transfer from available funds, by gift, or by a combination thereof; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article would appropriate $300,000 to the Other Post-Employment Benefits Liability Trust Fund ("O.P.E.B. Trust Fund") (G.L. c. 32B, § 20) to be used to fund the unfunded liability of future health insurance costs for current Town employees and retirees.

The $300,000 would go into a trust fund that could be invested in appropriate investment vehicles provided under state law and thus would earn interest, lowering the ultimate cost. The trust fund provides the Town with a favorable position with the bond rating authorities, as it demonstrates that the Town is planning for known future contingencies.

Some members of the Finance Committee would prefer to pay for post-employment benefits as incurred rather than setting aside funds in anticipation of a future expense.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 12: **Funding Assessor Inspection Services**

Sponsored by: *Board of Assessors*

To see if the Town will vote to raise and appropriate $30,000 for the purpose of paying for the cost of services to perform Inspection & Valuation Services for properties within the Town of Sharon for Fiscal Year 2019 in accordance with M.G.L. Chapter 40 Section 56 and Chapter 58 Sections 1, 1A and 3, and to determine whether to meet said appropriation by taxation, by transfer from available funds, by a combination thereof; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article will authorize the Town to pay the services to perform Inspection & Valuation Services for properties within the Town. The budgeted amount is $30,000 for FY2019 appropriation. Funds for these services were previously included in the Assessor's budget, but have been moved to a separate fund to allow unexpended amounts to be carried over from one fiscal year to the next.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 13: **Amend Recycling Revolving Fund & Health Department Revolving Fund**

Sponsored by: *Board of Selectmen & Board of Health*

To see if the Town will vote to amend its General Bylaws, Article III, Section 24-21, table of Authorized Revolving Funds, to amend the scope of uses for the Health Department Revolving Fund as follows:

Health Department Revolving Fund: Add to "Program or Activity Expenses Payable from Fund" the following language at the end of the existing sentence: and to address public health emergency needs and pay for temporary staffing to support Health Department surge capacity; to support disease outreach programs and publications, and infectious disease training and education for Board of Health and staff.

Or take any other action relative thereto.

and

To see if the Town will vote to amend its General Bylaws, Article III, Section 24-21, table of Authorized Revolving Funds, to amend the Recycling Fund by:

Changing the name of the fund to "Solid Waste and Recycling Fund"

Changing "Fees, Charges or Other Receipts Credited to Fund" by deleting the existing sentence and replacing it with the following: Receipts to be deposited to this fund shall be receipts related to the Town's solid waste and recycling program.

Changing "Program or Activity Expenses Payable from Fund" by adding the words "solid waste and" before "recycling" so that it read as follows: The purpose of this fund is to support the solid waste and recycling program of the Town of Sharon and to purchase and install shade trees and shrubs to be planted in the public ways of the Town and otherwise as provided for in MGL c. 87, § 7.

Changing "Restrictions or Conditions on Expenses Payable from Fund" by increasing the spending limit for the Recycling Fund from $150,000 to $1,800,000, so that it reads as follows:

Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed $1,800,000.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article would amend two of the revolving funds to be authorized in the next article as follows:

1. The Recycling Fund to be renamed "Solid Waste and Recycling Fund" with the inclusion of trash (solid waste) and the limit to be increased to $1.8 million (equal to annual budget for managing solid waste and recycling).
2. Expansion of the Health Fund activities to include response to public health emergency, disease outreach programs and infectious diseases training for staff.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 14: **Revolving Fund Authorizations**

Sponsored by: *Board of Selectmen*

To see if the Town will vote to authorize FY2019 expenditure limits for the revolving funds listed below for use by town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, to be expended in accordance with Article III of the Town's General Bylaws:

Revolving Fund	Approved Expenditures
Cable TV Licensing and Re-licensing Fund	$20,000.00
Library Public-Use Supplies Replacement Fund	$7,000.00
Library Materials Replacement Fund	$3,500.00
Street Opening Fund	$25,000.00
Solid Waste and Recycling Fund	$1,800,000.00
Community Center Building Maintenance Fund	$100,000.00
Parking Lot Fund	$65,000.00
Railroad Parking Fund	$550,000.00
Recreation Programs Revolving Fund	$300,000.00
Waterfront Recreation Programs Revolving Fund	$150,000.00
Conservation Commission Advertising Revolving Fund	$4,000.00
Board of Health Fund for Monitoring Compliance with Septic Variance	$20,000.00
Health Department Revolving Fund	$40,000.00
Council on Aging Program Revolving Fund	$25,000.00

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this pro forma Article authorizes each of the different revolving funds for fiscal year 2019.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 15: Property Tax Exemptions

Sponsored by: Department of Veterans' Services

To see if the Town will vote to accept Section 4, Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and Chapter 380 of the Acts of 2000, which authorizes additional real estate exemptions to be granted to persons who qualify for property tax exemptions under Clauses 17, 17C, 17C 1/2, 17D, 17E, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C and 41D of M.G.L. Ch. 59, § 5 in an amount equal to 100 percent to be effective for the fiscal year beginning July 1, 2018 and ending June 30, 2019; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article would authorize the Board of Assessors to grant estate exemptions in FY2019 for specific categories of veterans and their survivors, individuals with disabilities, individuals who are legally blind and qualified elders.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 16: Annual Audit Appropriation

Sponsored by: Finance Director

To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying for the cost of services to perform an annual audit of fixed assets and audit of accounts of the Town of Sharon for Fiscal Year 2018 in accordance with M.G.L. ch. 44, §40, and to determine whether to meet said appropriation by taxation, by transfer from available funds, by a combination thereof; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this Article will authorize the Town to pay the costs associated with the Annual Audit of Accounts. The budgeted amount is $63,500 for FY2019 appropriation.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 17: **General By-Law Change: Board of Health Nuisance Fines**

Sponsored by: *Board of Health*

To see if the Town will vote to amend its General Bylaws to amend Article 1, Penalties, Section 1-2, Noncriminal disposition of violations, to add Board of Health Regulations, Chapter 300, Article 4, Nuisances and Dangers to Public Health, to the list of fines that may be collected pursuant to MGL c. 40, § 21D, as follows:

Chapter 300, Art. 4, Nuisances And Dangers to Public Health	First offense: $25 Second offense: $50 Third offense: $100 Fourth and further offenses: $300	Health Agent or designated representative

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Board of Health Regulations Chapter 300, Article 4 grants the Board of Health the authority to investigate and "order the abatement of any threat to the public health or nuisance found to exist in the town of Sharon." The Board of Health has the authority to enforce these regulations by violation notices, administrative orders, and civil and criminal court actions.

Approval of Article 18 will enable the Board of Health to issue escalating fines of up to $300, as outlined above, for a broad range of nuisances and dangers to public health, as outlined in Board of Health Regulations Chapter 300, Article 4. Ticketable violations include offenses such as leaving garbage out in public, sewage discharge, offensive odors, and noise violations, to list a few. Without approval of this article, such violations would result in no immediate penalties and enforcement may depend solely on the involvement of law enforcement.

Granting the Board of Health the ability to issue fines in this manner is intended to facilitate quicker resolution of violations, act as a deterrent to future violations and empower the Board of Health to address repeat offenders. With an estimated number of a violation or two per month, some of which may result in warnings only, this process is not intended nor expected to raise a substantial amount of money.

Members of the Finance Committee generally supported this article on the basis that it would enable the Board of Health to appropriately address nuisances and dangers to public health, providing an appropriate alternative to initiating criminal proceedings. One member of the Finance Committee voted against the article feeling that the scope of the change was potentially broad and open ended.

The Selectmen voted 3-0-0 to recommend approval.

THE FINANCE COMMITTEE VOTED 9-1-0 IN FAVOR OF APPROVAL.

Article 18: **General Bylaw Change: Amend Wetlands Protection Bylaw**

Sponsored by: *Conservation Commission*

To see if the Town will vote to amend Chapter 262: Wetlands Protection, of the Town's General Bylaws, by deleting the existing Chapter 262 in its entirety and replacing it with the following new Chapter 262: Wetlands Protection:

Chapter 262: WETLANDS PROTECTION

§ 262-1. **Purpose**

The purpose of this bylaw is to preserve and protect the wetlands, rivers, streams, ponds, lakes, vernal pools, water resources, flood prone areas, and adjoining upland areas of the Town of Sharon by regulating and controlling activities deemed to have significant or cumulative effect upon the functions and characteristics of such wetlands, rivers, streams, ponds, lakes, vernal pools, water resources, flood prone areas, and adjoining upland areas. Such functions and characteristics shall include, but are not limited to, the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, protection of wetlands, rivers, streams, ponds, lakes, vernal pools, water resources, and other bodies of water, prevention and control of pollution, water quality, and protection of fisheries, shellfish, wildlife habitat, rare species habitat, including rare plant and animal species, agriculture, scenic vistas, recreation and aesthetics (collectively, the "resource area values protected by the bylaw"). This bylaw is intended to utilize the Home Rule authority of the Town of Sharon to protect the resource areas under the Wetland Protection Act (WPA), MGL c. 131 § 40, to protect additional resource areas beyond the WPA recognized by the Town as significant, and to impose in local regulations and permits additional standards and procedures stricter than those of the WPA and regulations thereunder, 310 CMR 10.00.

§ 262-2. **Definitions**

ALTER – Includes, without limitation, the following actions when undertaken to, upon, within or affecting resource areas protected by the bylaw:

(1) Removal, excavation or dredging of soil, much, humus, sand, gravel, or aggregate materials of any kind;
(2) Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
(3) Drainage or other disturbance of water level or water table;
(4) Dumping, discharging or filling with any material which may degrade water quality, alter elevation or interfere with the functioning of wetland, floodplains, bank or bodies of water;

(5) Driving of piles or erection, expansion or repair of buildings or structures of any kind;

(6) Placing of obstructions or objects in a body of water, whether or not they interfere with the flow of water;

(7) Destruction of plant life, including cutting or trimming of trees and shrubs. Plant life shall include those species specified in the Wetlands Protection Act, MGL c. 131 § 40 and the plant life that is significant to physical stability of the bank, flood control, storm damage prevention, prevention of pollution and /or protection of fisheries and wildlife habitat;

(8) Changing of water temperature, biochemical oxygen demand (BOD), or other physical, biological or chemical characteristics of any ground- or surface-waters;

(9) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater;

(10) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by the bylaw.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: those critical areas and resources designated by the Commonwealth of Massachusetts for the purpose of long-term preservation, management and use or stewardship under authority granted by G.L. Ch. 21A §2(7) and the regulations promulgated thereunder (codified at 301 CMR 12.00).

AREA SUBJECT TO PROTECTION UNDER THE BYLAW: those areas defined in the Massachusetts Wetlands Protection Act or Section 262-3 of the bylaw. It is used synonymously with Resource Area.

APPLICANT: any person making a filing, or on whose behalf a filing is submitted.

AQUIFER RECHARGE AREAS: those areas composed of permeable stratified sand and gravel and certain wetlands that collect precipitation or surface water and then carry it to aquifers.

BANK: an area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

BEACH: a naturally occurring shoreline with an un-vegetated bank.

BEST AVAILABLE MEANS: the most up-to-date technology or the best designs, measures or engineering practices that have been developed and that are commercially available. "Best available" shall not be defined by economics.

BEST PRACTICAL MEASURES: state of the art technologies, designs, measures or engineering practices that are in general use to protect similar interests.

BORDERING VEGETATED WETLANDS (BVW): Bordering vegetated wetlands are freshwater wetlands. These are resource areas where groundwater discharges to the surface and where, under some circumstances, surface water discharges to the groundwater. Vegetated/

freshwater wetlands are likely to be significant to public or private water supply, to groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to the protection of fisheries, to the protection of shellfish, and wildlife. The physical characteristics of vegetated wetlands are critical to the protection of interests specified in MGL c. 131 § 40. Types of freshwater wetlands are wet meadows, marshes, swamps, and bogs. They are areas where the topography is low and flat, and where the soils are annually saturated. Said resource area shall be protected whether or not they border surface waters.

BOUNDARY: the limits of an area subject to protection under the bylaw.

BROOK: considered the same as stream.

BUFFER ZONE: the land within one hundred (100) feet horizontally landward from the perimeter or outer border of any resource area, as defined in this bylaw and the Commission's rules and regulations.

CERTIFICATE OF COMPLIANCE: a written determination in recordable form by the Commission that work, or a portion thereof, has been completed in accordance with the issued Orders of Conditions.

COMMISSION: the Conservation Commission of the Town of Sharon, a lawfully constituted agency established pursuant to MGL c. 40 § 8C to regulate and control activities governed by this bylaw.

CONDITIONS: those requirements set forth in an Order of Conditions issued by the Commission for the purpose of permitting, regulating or prohibiting any activity that removes, fills, dredges or alters and has an impact or cumulative effect upon a Resource Area.

CREEK: the same as stream.

DATE OF ISSUANCE: the date any document issued by the Commission (including, but not limited to, an Order of Conditions, a Determination of Applicability, or an Enforcement Order) is mailed, as evidenced by a postmark, or the date it is hand delivered and receipted to an applicant, or the applicants agent.

DATE OF RECEIPT: the date of actual delivery to an office, home address or usual place of business by mail or hand delivery.

MASSDEP: the Massachusetts Department of Environmental Protection.

DETERMINATION OF APPLICABILITY: a written finding, following a public hearing by the Commission, as to whether a site or the work proposed thereon is subject to the jurisdiction of the bylaw. A finding will be one of the following:

(1) Positive Determination: a written finding that an area on which the proposed work is to be done, or the activity thereon, will cause a significant impact to one or more of the interests protected by the bylaw.

(2) Negative Determination: a written finding that an area on which proposed work is to be done, or the activity thereon, will not cause a significant impact to any of the interests protected under the bylaw.

(3) Negative Determination with Conditions: a written finding that the work proposed on the area allowed under the Conditions prescribed by the Commission, will not cause a significant impact to any of the interests protected by the bylaw.

ENFORCEMENT ORDER/VIOLATION NOTICE: issued to any owner, applicant or agent in the event of a violation of this bylaw, the Massachusetts Wetlands Protection Act or any order issued thereunder.

EXTENDED DROUGHT: any period of four or more months during which the average rainfall for each month is 50 percent or less of the ten year average for that same month.

FILING: any filing made under the Massachusetts Wetlands Protection Act or the bylaw to the Commission, including, but not limited to, a Request for Determination of Applicability, Notice of Intent, Abbreviated Notice of Intent or Abbreviated Notice of Resource Area Delineation.

FLOOD CONTROL: preventing or reducing flooding and flood damage.

FRESHWATER WETLANDS: are vegetated wetlands and consist of any area of at least 2,000 square feet where surface and/or ground water, or ice at or near the surface of the ground, supports a plant community dominated (at least 50 percent) by wetland species and/or exhibits other evidence of hydrology. They are otherwise defined in MGL c. 131 § 40.

GROUNDWATER PROTECTION DISTRICT: area designated to protect, preserve, and maintain the existing and potential groundwater supply and groundwater recharge areas; to preserve and protect current and potential sources of water supply for public health and safety; and to conserve the natural resources of the town and to prevent environmental pollution.

GROUNDWATER SUPPLY: water below the earth's surface in the zone of saturation.

INTERESTS PROTECTED BY THE BYLAW: those interests specified in Section 262-1 of the bylaw.

INVASIVE PLANT AND ANIMAL SPECIES: species not native to the Resource Area whose presence threatens the integrity of natural communities and the survival of indigenous plant and animal species.

ISOLATED LAND SUBJECT TO FLOODING: an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of ¼ acre-feet and to an average depth of at least six (6) inches. The area may be underlain by pervious material which in turn may be covered by a mat of organic peat or muck.

ISOLATED WETLAND: an area of at least 2,000 square feet, where surface and /or groundwater, or ice at or near the surface of the ground, supports a plant community dominated (at least 50%) by wetland species and/or exhibits other evidence of hydrology though the area does not border surface waters.

LAKE: any open body of fresh water with a surface area of 10 acres or more, including but not limited to, great ponds.

LAND SUBJECT TO FLOODING: an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where bordering vegetated wetlands occur, it extends from such wetland.

LAND UNDER WATER BODIES AND WATERWAYS: the bottom of, or land under the surface of, any creek, river, stream, pond or lake.

MARSH: area where a vegetational community exists in standing water or running water during the growing season and where a significant part of the vegetational community is composed of, but not limited to nor necessarily including all, of the following plants or groups of plants: arums (Aracaea), bladder worts (Ultricularia), bur reeds (Sparganiaceae), button bush (Cephalanthus occidentalis), cattails (Typha), duck weeds (Lemnaceae), eelgrass (Vallisneria) frog bits (Hydrocharitaceae), horsetails (Equisetaceae), hydrophylic grasses (Poaceae), leatherleaf (Charmaedaphne calyculata), pickerel weeds, (Pontederiaceae), pipeworts (Eriocaulon), pond weeds(Potamogeton), rushes (Juncaeae), smartweeds (Polygonum), sweet gale (Myrica gale), water milfoil (Haloragaceae), water lilies (Nymphaeaceae), water starworts (Callitrichaceae), water willow (Decodon verticillatus).

MASSACHUSETTS WETLANDS PROTECTION ACT: MGL c. 131 § 40 and the regulations promulgated thereunder (codified at 310 CMR 10.00)

MEAN ANNUAL BOUNDARY: with respect to vernal pools, the highest observed water surface elevation.

MEPA: Massachusetts Environmental Policy Act, MGL c. 30 §§ 61-62, and the regulations promulgated thereunder as codified at 310 CMR 11.00.

NOTICE OF INTENT: the written notice filed under the Massachusetts Wetlands Protection Act and/or the bylaw by any applicant intending to remove, fill dredge, or otherwise alter a Resource Area.

ORDER: an Order of Conditions and/or Order of Resource Area Delineation, Superseding, Order or Final Order, issued pursuant to the Massachusetts Wetlands Protection Act and/or the bylaw.

ORDER OF CONDITIONS: the document issued in recordable form by the Commission containing conditions which regulate or prohibit an activity under the Massachusetts Wetlands Protection Act and/or the bylaw.

ORDER OF RESOURCE AREA DELINEATION: the document issued in recordable form by the Commission indicating acceptance of the marked boundaries designating areas subject to protection under the bylaw, as defined herein.

OWNER OF LAND ABUTTING THE ACTIVITY: means the owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river, stream, brook or canal.

PERSON: Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the federal government or agencies thereunder to the extent subject to Town bylaws, the Commonwealth or political subdivisions thereof to the extent subject to Town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of Sharon, and any other legal entity, its legal representatives, agents or assigns.

PLAN: such data, maps, engineering drawings, calculations, specifications, schedules and other materials, if any, deemed necessary by the Commission to describe the site, all areas subject to jurisdiction under the Massachusetts Wetlands Protection Act or the bylaw and/or to determine the impact of the proposed work upon the interests identified in the Massachusetts Wetlands Protection Act or the interests protected by the bylaw.

POND: any open body of fresh water with a surface area observed or recorded within the last ten (10) years of at least 5,000 square feet. Ponds may be either naturally occurring or man-made by impoundment, excavation or otherwise. Ponds shall contain standing water except for periods of extended drought, as defined herein. The following man-made bodies of open water shall not be considered ponds:

a) basins or lagoons which are part of wastewater treatment plants;

b) swimming pools or other impervious man-made basins;

c) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

PREVENTION OF POLLUTION: the prevention or reduction of contamination of soils and/or surface water or groundwater.

PRIVATE WATER SUPPLY: any source or volume of surface or groundwater demonstrated to be in any private use or shown to have potential for private use.

PROTECTION OF FISHERIES: to prevent or reduce contamination or damage to fish and to protect their habitat and nutrient sources.

PROTECTION OF WILDLIFE: the protection of any plant or animal species listed as endangered, threatened or of special concern, or on the Watch List by Mass Wildlife's Natural Heritage and Endangered Species Program; listed as Federally Endangered or Federally Threatened by the U.S. Fish and Wildlife Service; deemed locally threatened in writing by the Commission; and the protection of the ability of any Resource Area to provide food, breeding habitat, or escape cover for species falling within the definition of wildlife.

PUBLIC WATER SUPPLY: any source or volume of surface or groundwater demonstrated to be in public use, or approved for water supply pursuant to G.L. Ch. 111 § 160 by MassDEP, or shown to have a potential for public use.

QUORUM: more than half of the filled seats on the Commission.

RARE SPECIES: includes, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

REQUEST FOR DETERMINATION OF APPLICABILITY: a written request on the proper form made by any person, to the Commission for a determination as to whether a site or work thereon is subject to the bylaw.

RESOURCE AREA: those areas defined in the Massachusetts Wetlands Protection Act or Section 262-3 of the bylaw. Resource Area is used synonymously with Area Subject to Protection under the Bylaw.

RIVER: a natural flowing body of water that empties into any lake, pond, ocean or other river and which flows throughout the year, including but not limited to the following: Beaver Brook, Billings Brook, Canoe River, Little Canoe River, Devil's Brook, Massapoag Brook, Puffer Brook, School Meadow Brook, Spring Meadow Brook, Sucker Brook, Traphole Brook, in their entirety throughout the Town of Sharon.

RIVERFRONT AREA: as defined in the MGL c. 131 Section 40.

STORM DAMAGE PREVENTION: the prevention of damage caused by water from storms, including, but not limited to, erosion and sedimentation, damage to vegetation, property, or buildings, or damage caused by flooding, waterborne debris or waterborne ice.

STREAM: a body of running water, including brooks and creeks, which move in a definite channel in the ground due to hydraulic gradient. A stream may flow through a culvert or beneath a bridge. A body of running water which does not flow throughout the year is termed an intermittent stream.

VEGETATED WETLANDS: see Freshwater Wetlands.

VERNAL POOL: includes, in addition to scientific definitions found in the regulations under the Massachusetts Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which at last in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing and other important wildlife habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been mapped and/or certified by the Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be 100 feet outward from the mean annual high-water line defining the depression.

WET MEADOW: area where groundwater is at the surface for a significant part of the growing season and near the surface throughout the year and where a significant part of the vegetational community is composed of various grasses, sedges, and rushes; made up of, but not limited to nor necessarily including all of the following plants or groups of plants: blue flag (Iris), vervain (Verbena), thoroughwort (Eupatorium), dock (Rumex), false loosestrife (Ludwigia), hydrophilic grasses (Poaceae), loosestrife (Lythrum), marsh fern (Dryopteris thelypteris). Rushes (Juncaceae), sedges (Cyperaceae), sensitive fern (Onoclea sensibilis), smartweed (Polygonum).

WILDLIFE: living things and especially mammals, birds, reptiles, amphibians and fish, as well as invertebrates, which are neither human nor domesticated, and living in their natural environment.

The Commission may adopt definitions, not inconsistent with this § 262-2, in its regulations promulgated pursuant to § 262-11 of this bylaw.

§ 262-3. **Jurisdiction**

A. No person shall remove, fill, dredge, build upon, or alter any bank, freshwater wetland, vernal pool, beach, flat, marsh, wet meadow, bog, swamp, or lands bordering on any creek, river, stream, lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area, or any pond, lake, or any land under said waters, or any land subject to storm flowage, or flooding, or inundation by groundwater or surface water, or lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone, without filing written notice of the intention to do so with the Commission in accordance with the provisions set forth in this bylaw and without receiving and complying with the Order of Conditions issued by the Commission and provided all appeal periods have elapsed, unless the Commission shall have determined that this bylaw does not apply to the activity proposed.

B. The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture including work performed for normal maintenance or improvement of land in agricultural or aquacultural use as defined by the Massachusetts Wetland Protection Act Regulations at 310 CMR 10.04.

§ 262-4. **Exemptions and Exceptions**

A. This bylaw shall accommodate emergency projects in the following manner:

(1) Emergency projects necessary for the protection of the health or safety of the residents of Sharon which are to be performed, provided that the work is to be performed by, or has been ordered to be performed by, an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of

commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

B. The following activities are exempt under this bylaw:

(1) Maintenance, repair, replacement, without substantial change or enlargement, or existing and lawfully located structures or facilities used in the service of the public and used to provide electric, gas, water, sewerage, drainage, railroad transportation, telephone, telegraph and other telecommunication services to the public provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

(2) Normal maintenance or improvement of land in agricultural use. The Commission shall determine whether the requirements of the bylaw apply to activities proposed that may change land in agricultural use and affect the interests protected by this bylaw.

(3) Routine maintenance and repair of existing public ways.

(4) Normal maintenance, repair, replacement of any existing betterment to private, owner-occupied property, including, but not limited to, existing fences, decks, patios, hedges, docks, boat moorings, trees, shrubs, lawns, gardens, mail boxes, retaining walls or lamp posts, as long as the resource areas protected by this bylaw are unaffected.

§ 262-5. **Applications and Fees**

A. Any person who desires a determination as to whether this bylaw applies to an area, or to any activity proposed thereon, shall submit a written Request for Determination of Applicability to the Commission, signed by the owner of the area, or the applicants, if such applicant believes an owner to be acting improperly on an area, on a form obtainable from the Commission, together with plans showing the existing characteristics of the area and the nature and extent of the activities to be performed thereon. The information submitted shall also include lot lines, Town ways, the location of all wetlands, vernal pools, floodplains, water courses, and buffer zones, existing buildings, and all changes proposed, and such other information as the Commission may require by regulation.

B. Any person requesting a hearing before the Commission shall be required to make a minimum payment of $50.00 per hearing, said amount payable to the Town of Sharon which in turn will be placed in the Advertising Fund for the purpose of payment of the advertisement of the hearing notice and any other associated costs. The Commission shall hold a public hearing on the activity within 21 days of receiving such completed Notice of Intent. Notice of the time and place of such hearing shall be given by the Commission, at the expense of the applicant, not less than five days prior to the public hearing, by publication in a newspaper of general circulation in Sharon, and by

mailing a notice by certified mail to the applicant, and the owner, if a person other than the applicant, and to the Sharon Board of health and the Sharon Planning Board. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed, by street address, if any, or other adequate identification of the location of the area or premises which is the subject of the notice, date, time and place of the public hearing, the subject matter of the hearing, and the nature of the action, or relief requested, if any. Such hearing may be held at the same time and place as any public hearing required to be held under MGL c. 131 § 40 or otherwise. If the Commission determines that additional information is necessary, the hearing may be continued to a future date for as many hearings as may be deemed necessary by the Commission.

C. Any person filing a permit or other application or other request with the Commission shall give written notice thereof, by certified mail (return receipt requested) to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and any abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

(1) The Request for Determination of Applicability shall be delivered to the Commission by certified mail (return receipt requested) together with a certification that all abutters to the area subject to determination, and the owner, if not the person making the request, have been sent notice that a determination is being requested hereunder, and to such other persons as the Commission may require by regulation. In order to comply with the provisions of this bylaw, each application must be complete, as filed, and must comply with the rules set forth herein. The commission, in its discretion, may hear any oral presentation under this bylaw at the same public hearing to be held under the provisions of MGL c. 131 § 40.

(2) Notice of the time and place of such hearing shall be given by the Commission, at the expense of the applicant, not less than five days prior to the public hearing, by publication in a newspaper of general circulation in Sharon and by mailing a notice by certified mail (return receipt requested), to the applicant, or owner, if a person other than the applicant. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed by street address, if any, or any other adequate identification of the location of the area or premises which is the subject of the notice, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of the action or relief requested, if any.

D. The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plan filed under the Massachusetts Wetlands Protection Act (MGL c. 131 § 40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

E. At the time of an application, the applicant shall pay the filing fees as specified in the Commission's Rules and Regulations. The fee is in addition to that required by the Massachusetts Wetlands Protection Act and regulations.

F. Pursuant to MGL c. 44 § 53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetland scientists, wildlife biologists, or other experts in order to aid in review of proposed projects. This fee is called the "consultant fee". The specified consultant services may include, but are not limited to, performing or verifying the accuracy or resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeological and drainage analysis; and researching environmental or land use law. The exercise of discretion by the Commission in making its determination to require payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws. Such funds shall be deposited with the town Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and MassDEP of such a decision in writing.

G. Fees are payable by cash or check to the Town of Sharon at the time of request or filing, and are not refundable. Town, county, state or federal projects are exempt from fees. The Commission, upon a majority vote, may waive fees in the event of hardship or other cause.

§262-6. **Procedures**

Unless the Commission determined that this bylaw does not apply to such activity pursuant to the provisions of this bylaw, every person who wishes to remove, fill, dredge, or alter any wetland,

vernal pool, floodplain, or buffer zone, shall first file a written Notice of Intent (NOI) with the Commission, signed by the owner of the area, or his/her legally authorized representative, on a form available from the Commission, together with a list of the names and addresses of all abutters to the area subject to such Notice, and with such Notice, such plans and additional information as the Commission may deem necessary, by regulation, or otherwise, to describe the nature of the activity proposed and its effect on the wetlands, floodplains and buffer zones. The NOI shall be delivered to the Commission by hand, or by certified mail (return receipt requested) together with a certification that all abutters to the area subject to the NOI, and the owner, if the person making the application is other than the owner, have been sent notice that a NOI has been filed hereunder, and to such other persons as the Commission may, by regulation, determine. The plans shall show the location of the wetland boundaries and shall be at such scale as the Commission may deem necessary, by regulation, or otherwise. All drawings and plans should be stamped, signed and dated by such registered professional as the Commission may require, by regulation, or otherwise. In addition, the NOI, with its plans, will show lot lines, Town ways, the names of all abutters, the location of all the wetland areas, vernal pools, floodplains, water courses, and buffer zones, pertinent physical features of the land, existing buildings, and all changes proposed to be made. In order to comply with the provisions of this bylaw, each Notice must be complete, as filed and comply with the rules set forth herein. No such Notice shall be accepted as complete before all permits, variances, and approvals required by the bylaw of the Town of Sharon with respect to the proposed activity, which are obtainable at the time of such Notice, have been obtained, or if not obtainable at that time, have been applied for, as provided in MGL c. 131 § 40.

A. BURDEN OF PROOF - The applicant shall have the burden of proving, by a preponderance of the credible evidence, that the activity proposed in the NOI will not negatively impact the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be significant cause for the Commission to deny a permit or grant a permit with conditions as the Commission deems reasonable, necessary, or desirable to carry out the purposes of this bylaw, or to postpone or continue the hearing to another date certain to enable the applicant and others to present additional evidence, upon such terms and conditions as seems to the Commission to be just.

B. The Commission, in its sole discretion, may hear any oral presentation under this bylaw by any interested or aggrieved party, at the same public hearing required for any permit application under the Massachusetts Wetlands Protection Act. Notice of the time and place of such hearing shall be given by the Commission, at the expense of the applicant, not less than five (5) days prior to the public hearing, by publication in a newspaper of general circulation in Sharon and by mailing a notice by certified mail (return receipt requested), to the applicant, or owner, if a person other than the applicant. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed by street address, if any, or any other adequate identification of the location of the area or premises which is the subject of the notice, the date, the time, and place of the public hearing, the subject matter of the hearing, and the nature of the action, or relief requested, if any.

C. If, after the hearing, the Commission determines that the proposed activity impacts the resource areas protected by this bylaw, the Commission may, by written order issued within 21 days after the close of such hearing, impose such conditions, safeguards, and limitations on time and use upon such activity as it deems necessary to protect those interests; but the Commission may

prohibit such activity all together, in the event that it finds that the interests of this bylaw cannot be preserved and protected by the imposition of such conditions, safeguards, or limitations. Due consideration shall be given to possible effects of the proposal on all resource area values to be protected under this bylaw and to any demonstrated hardship on the applicant by reason of a denial, as brought forth at the public hearing. If the Commission shall determine that the activity proposed does not require the imposition of conditions to preserve and protect the interests of this bylaw, the applicant shall be notified in writing. No condition shall be imposed, nor any determination rendered by the Commission, unless the Commission meets with a quorum present.

D. The Commission may, as part of its Order of Conditions, require, in addition to any security required by any other Town or State board, committee, commission, agency or officer, that the performance and observation of the conditions, safeguards and limitations imposed under this bylaw by the applicant and owner be secured by one, or both, of the methods described in the following clauses:

(1) By a proper bond, deposit of money, or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of Certificate of Compliance for work performed pursuant to the permit. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by Town Counsel or the town Treasurer, and/or

(2) By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

E. In the event all activity authorized by the Order of Conditions is not completed within three years after the date of issuance, the authorization contained therein shall expire, unless the Order has been renewed prior to expiration, such renewal being subject to all of the conditions of this bylaw. An Order of Conditions may be renewed, upon written request of the applicant, for a period of up to three years.

No activity governed by an Oder of Conditions shall be carried on unless, and until, all permits, approvals and variances required by the bylaws of the Town of Sharon shall have been obtained, and unless such Order of Conditions shall have been recorded or registered at the Norfolk Count Registry of Deeds or in the Norfolk District Land Court Department and until all applicable appeal periods have expired.

The Commission shall have the right to record or register its Order of Conditions with said registry. In the event that an Order of Conditions, issued pursuant to this bylaw, is identical to a final Order of Conditions issued pursuant to the provisions of MGL c. 131 § 40, only one such order need be recorded or registered.

§ 262-7. Certificate of Compliance

The Commission shall, upon receiving a written request therefor, inspect the resource areas where the activity governed by an Order of Conditions was carried out, and issue a Certificate of Compliance to the owner of the property in a form suitable for recording, or registering, if the Commission shall determine that all of the activity, or activities, or portions thereof, limited thereby, have been completed in accord with said Order. The written request for a Certificate of Compliance shall be accompanied by evidence of the prior recording, or registering, of the governing Order of Conditions.

§ 262-8. Pre-acquisition violation

Any person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw, or in violation of any Order of Conditions issued under this bylaw, shall forthwith comply with any such Order, or restore the land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such a person, unless such action is commenced within three years following the recording of the deed, or the date of the death by which such real estate was acquired by such person.

§ 262-9. Right of entry

Any applicant who is an owner, or any applicant legally authorized to represent the owner, who requests the Commission to evaluate a written Notice of Intent, request for Determination, or Abbreviated Notice of Resource Area Delineation gives the Commission, and its agents, the right of entry to the owner's property for the purpose of evaluating the information provided in the filing.

§ 262-10. Enforcement

In accordance with the provisions of MGL c. 40 § 21D, as well as every other authority and power that may have been, or may hereafter be conferred upon it, the Town of Sharon may enforce the provisions of this bylaw, restrain violations thereof, and seek injunctions and judgments to secure compliance with its Order of Conditions. Without limiting the generality of the foregoing:

A. No person shall remove, fill, dredge, build upon, degrade or otherwise alter a Resource Area protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

B. Any person who violates any provision of this bylaw, or any condition or permit issued pursuant it, shall be punished by a fine pursuant to MGL c. 40 § 21, and pursuant to the Town of Sharon bylaws, Chapter 1, Article 1. Each day, or portion thereof, during which a violation continues, shall constitute a separate offense. This by law may be enforced pursuant to MGL c. 40 § 21D, by a Town of Sharon police officer, or other officer having police powers.

C. In the event of a violation of this bylaw, or of any order issued thereunder, the Commission or its agents may issue a stop order to the owner, the applicant, or their agent, by certified mail (return receipt requested) or by posting the same in a conspicuous location on the site affected. Any person who shall violate the provisions of a stop order shall be deemed in violation of the bylaw; but the failure of the Commission to issue a stop order, for any reason, shall not prevent the Town of Sharon from pursuing any other legal remedy at law, or in equity, to restrain violations of this bylaw and to secure compliance with its orders.

D. The Town of Sharon shall be the beneficiary of all fines imposed on account of the violation of this bylaw in order to defray the expense of enforcing the same.

E. Upon the request of the Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this bylaw and permits issued pursuant to it.

F. Upon the recommendation of the Commission, the Board of Selectmen may employ Special Counsel to assist the Commission in carrying out the legal aspects, duties, and requirements of this bylaw.

G. As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in MGL c. 40 § 21D, which has been adopted by the Town in Chapter 1, Article 1 of the general bylaws.

§262-11. **Regulations**

After notice and public hearing the Commission may promulgate rules and regulations to affect the purpose of this bylaw, effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

§262-12. **Coordination with Other Boards**

Any person filing a permit application, Request for Determination of Applicability , or Abbreviated Notice of Resource Area Delineation with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested), or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeal, Board of Health, Town Engineer, and Building Inspector. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the application or Request for Determination of Applicability pertains to property within three hundred (300) feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had fourteen (14) days from the receipt of the notice to file written comments and recommendations with the Commission, which the Commission shall take into account, but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and respond to them at a hearing of the Commission, prior to final action.

§ 262-13. **Relationship of this bylaw to Massachusetts General Laws**

This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas and interests with standards and procedures stricter than those pursuant to the Wetlands Protection Act, MGL c. 131, § 40, and the regulations thereunder, 310 CMR 10.00.

§ 262-14. **Severability**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any order of Conditions which previously have become final.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Approval of this article will update and amend Chapter 262: Wetlands Protection of the Town's General Bylaws. The Commission began its upgrade of the Wetlands Protection Bylaw in the summer and fall of 2015 in order to be ready for the acceptance of the town's codification. The Bylaw was last updated prior to 2000. The Commission held a public hearing prior to the May 2016 Town Meeting and had the document reviewed by town counsel. As the 2016 Town Meeting approached, the Commission found out that the codification process would not be ready in time for the May 2016 meeting so they held off until the fall of 2016 for the next town meeting, however, the codification process was not ready for the fall town meeting either, so it had been put off until this upcoming town meeting to work with the codification project.

The updates in the proposed Bylaws include reorganization and renumbering per the codification process. Changes are as follows:

Section 1 Purpose is now 262-1 Purpose. There is an expanded explanation of the phrase "wetlands of the town" to include "rivers, streams, ponds, lakes, vernal pools, water resources, flood prone areas and adjoining upland areas of the Town…". Also there is the addition of "rare species habitat (both plant and animal) to the list of functions and characteristics to be protected.

Section 2 Definitions is now 262-2 Definitions. The list is expanded as it incorporates all the definitions previously listed in our Rules and Regulations as well as some from the model bylaw and State Wetlands Protection Act. New terms added: Brook, Enforcement Order, Extended Drought, Groundwater Protection District, Invasive Plant and Animal Species, Isolated Land Subject to Flooding, Isolated Wetlands, Rare Species, and Wildlife. Terms relating to Agricultural Practices have been deleted as those are delineated in state law and not necessary to be included.

Section 3 Jurisdiction is has been reorganized and its substance broken into three sections:

262-3 Jurisdiction - Added to Jurisdiction is Riverfront Area, as per the State Law

262-4 Exemptions and Exceptions - Exemptions and Exceptions include the same information

262-5 Applications and Fees - Applications and Fees include some of the old language from old Procedure Section and old Fee section. Specific filing fees have been removed from the bylaw and placed in the Commission's Rules and Regulations. Included however,

is an increase in the Advertising fee from $35.00 to $50.00. Also added is the ability for the Commission to impose "reasonable fees upon the applicant for the purpose of securing outside consultants."

Section 4 Procedure is now 262-6 Procedures. It includes the remaining language/information from the old section as well as highlighting the paragraph explaining "Burden of Proof", 262-6A. There has been added verbiage clarifying notification requirements to 262-6B. 262-6Db now adds the needed consent of the owner/applicant for a Conservation Restriction as security. The old section 4.7 has been deleted in its entirety.

Section 5 Certificate of Compliance is now 262-7. The only change is the consolidation of the words "woodlands, vernal pool, floodplain, and buffer zones" to "resource areas".

Section 6 Pre-Acquisition violation is now 262-8 with no other changes.

Section 7 Right of Entry is now 262-9. Added are the forms for Notice of Intent (addressed in the old section 7.1) and Abbreviated Notice of Resource Area Delineation (new form from the State) and the words "making the determination" have been changed to "evaluating the information provided in the filing."

Section 8 Guidelines and Rules and Regulations has been deleted. New section 262-11 Regulations incorporates the old sections 8.1 and 8.2. Guidelines can be adopted by vote of the Commission and are not needed in the bylaw.

Section 9 Filing Fees has been deleted and some content put into 262-5. The specific fees will be put into the Commission's Rules and Regulations.

Section 10 Enforcement is now 262-10 Enforcement. Reference to MGL Chapter 40§31 has been deleted.

262-10A is a new section that incorporates the language of the State Law.
262-10B has removed the reference to "multiple conditions violated."
262-10G has been added to allow for citations as an alternative to criminal prosecution.

Section 262-11 has been added to allow for the Commission to promulgate Rules and Regulations to affect the purpose of the bylaw. It incorporates the language from the old Section 8.1 and 8.2.

Section 262-12 Coordination with Other Boards has been added to include the notification, by the applicant for a permit application, to the following Boards/personnel: Board of Selectmen, Planning Board, Board of Health, Zoning Board of Appeals, Town Engineer, Building Inspector, as well as an adjoining town's Conservation Commission, if the proposed project is within 300 feet of the town boundary.

Section 11 Relationship of this Bylaw to Massachusetts General Laws has been renumbered Section 262-13 with no change to the wording.

Section 12 Severability has been renumbered Section 262-14 Severability with no change to the wording.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 19: **Participate in Municipal Aggregation of Electricity for Residential and Commercial Use**

Sponsored by: *Board of Selectmen*

To see if the Town will authorize the Board of Selectmen to commence a Community Choice Aggregation Program (CCA) and contract for electric supply as authorized by M.G.L. 164, Section 134, and through CCA decrease greenhouse gas emissions from the generation of electricity for Sharon residents and businesses by pursuing an increased amount of Class I designated renewable energy than is required by the Massachusetts Renewable Portfolio Standard (RPS), or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will authorize the Board of Selectmen to commence a Community Choice Aggregation Program (CCA). This will affect the generation portion of the electrical bill of all residents and small business that currently use Eversource as their provider for generation of electrical power. All other resident electric bills will not be affected but will have the option to opt-in to this program. This authorization will allow the Board of Selectmen to have the power to negotiate electric generation rates and types of power sources on behalf of the Town's residents.

This power of negotiation is similar to that of trash collection that we have now. Currently the residents don't have any authority to negotiate rates but can only change their provider. The CCA would create more choices for residents since towns typically offer multiple plans under CCA. Eversource changes rates twice a year but the Selectmen would be able to negotiate a fixed rate for longer periods of time. The goal of this program is not just to control rates, but to have a higher percentage of electrical power generated by renewable energy.

Any resident will be able to opt-out from this program any time they want to do so.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 9-0-1 IN FAVOR OF APPROVAL.

Article 20: **Zoning By-Law Change: Allow Commercial Solar Farm on Municipal Property within Business District**

Sponsored by: *Planning Board*

To see if the Town will vote to amend the Town's Zoning Bylaws by amending Section 2313 – Other permitted principal uses – by adding a new subsection (d), to allow commercial solar energy systems within residential districts on land owned by the Town of Sharon, other than land under the control of the Sharon Conservation Commission; provided, however, such use is permitted only on a parcel consisting of two or more acres, as follows:

d. In all residential districts under this Section 2310, commercial solar energy systems on land owned by the Town of Sharon, other than land under the control of the Sharon Conservation Commission; provided, however, such use is permitted only on a parcel consisting of two or more acres. Parcels separated by a road shall be considered adjacent for purposes of this Subsection d. Solar energy systems permitted under this subsection shall be exempt from lot coverage, natural vegetation and impervious surface requirements as defined in Section 2400 and Section 4500 of this Bylaw.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would amend Section 2313 of the Town Zoning By-laws by adding a new subsection (d) to allow as of right use in residential districts commercial solar energy systems on Town owned land (except Conservation land) with a minimum of two acres in size. The proposed bylaw amendment would allow the Town to lease land to commercial electric companies who would be able to derive electricity from solar panels placed on the property. Examples of potential sites for this use are the former Town landfill and at the parking area of the train station where panels would be placed on canopies. This would be a means for the Town to derive revenue and at the same time allow the production of energy through solar panels.

The Board of Selectmen voted 3-0-0 in favor of approval.

The Planning Board voted 4-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

Article 21: **Zoning By-Law Change: Ban Recreational Marijuana Retailers**

Sponsor: *Planning Board*

To see if the Town will vote to amend the Town's Zoning Bylaw by deleting the existing Section 3700 in its entirety and adding a new Section 3700 – Marijuana Retailers, that would provide as

follows, with the understanding that in accordance with M.G.L. c. 94G, § 3(a)(2), such Bylaw must also be approved by the voters of the Town at an election:

Section 3700 – Marijuana Retailers. Consistent with M.G.L. c. 94G, § 3(a)(2), all types of non-medical "Marijuana Retailers" as defined in M.G.L. c. 94G, § 1 shall be prohibited within the Town of Sharon. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

The following information pertains to Articles 21 through 24 which all address the implementation of the November 8, 2016 Ballot Question 4 and the Marijuana Act of 2017 in Sharon as it relates to recreational marijuana. Before taking action on the individual Articles, the Finance Committee believes it is necessary to understand the issues raised in all four Articles before deciding the best course of action.

Background

Ballot Question 4 and the Marijuana Act of 2017

On November 8, 2016, the voters of the Commonwealth legalized the cultivation, distribution, possession, and use of marijuana by adults over the age of 21 for recreational purposes, with 53.7% of the votes on ballot Question 4. The measure stipulated that individuals could possess under 10 ounces of marijuana inside their homes and under one ounce in public, also allowing them to grow up to six marijuana plants in their homes. Under Question 4, legalization of the use of recreational marijuana took effect on December 15, 2016.

Question 4 set the date of January 1, 2018 to begin licensing cannabis shops. However, in an effort to "get it right", state legislators voted to move that date to July 1, 2018. In July 2017, the state legislature passed bill H. 3818, which amended the law adopted under Question 4. The revisions to the law became Chapter 55 of the Acts of 2017 ("2017 Marijuana Act") and was signed by the Governor on July 28, 2017. The Marijuana Act provides two different local control options—one for the 260 municipalities where a majority of voters in those communities approved Question 4 and one for the 91 municipalities where a majority of voters rejected Question 4. Sharon voters approved Question 4 on recreational marijuana by a vote of 52.5% to 47.5%.

For Sharon and the other municipalities that approved the measure, a voter referendum is required to ban or limit the number of marijuana establishments in that municipality. For the municipalities that rejected the measure, a town meeting or city council can vote to ban or limit the number of marijuana establishments in that municipality without a voter referendum.

The Marijuana Act also created a commission to regulate marijuana in Massachusetts, the Cannabis Control Commission (CCC). Governor Baker appointed its five members on September 1, 2017. The CCC was required to adopt regulations, guidelines and protocols for the issuance of licenses for recreational marijuana establishments by March 15, 2018. The CCC did meet that

deadline, published its regulations which can be found under https://mass-cannabis-control.com/documents/, and has started to accept license applications for recreational marijuana businesses. The CCC will be governed by the zoning bylaws or ordinances in effect at the time of application, and municipalities must inform the CCC of any bylaw or ordinance that would make the applicant noncompliant if the license is issued.

The Marijuana Act - Sales Tax Revenue

The Marijuana Act allows municipalities to impose a 3% local sales tax on recreational marijuana products. Since sales tax is generated only at the point of sale, it is generated by recreational marijuana retail outlets only, not growing facilities. Data from states that have previously legalized recreational marijuana (for example, Colorado, California and Washington) shows that the recreational marijuana industry creates substantial revenues, and thus taxes to local communities and states. Various opinions regarding projected sales tax revenue from a recreational marijuana retailer in Sharon are outlined in the Projected Revenue section below.

The Marijuana Act - Host Community Agreements

Under state law, marijuana establishments and medical marijuana Registered Marijuana Dispensaries ("RMDs") are required to execute "Host Community Agreements" with the municipalities in which they operate. The agreement must stipulate the responsibilities of the community and the licensee of the marijuana establishment or RMD's. The agreement may include a community impact fee of up to 3% of gross sales to be paid to the host community, to mitigate real costs that may be incurred due to operation of the establishment or RMD operating in the community.

Examples of costs that could be considered mitigation payments include payments for additional police patrols, police training, police equipment, drug counseling and drug education in local schools. These payments are in addition to the 3% sales tax. During each fiscal year, these funds may be appropriated for the purposes identified in the Host Community Agreement. Any positive balance in the account would be available for appropriation in the next fiscal year. Information regarding the potential amount of the community impact fees and potential mitigation measures for the Town of Sharon are in the Community Impact Fees section below.

Sharon Special Town Meeting 2017

At the Special Town Meeting on November 6, 2017, the voters approved a moratorium on the establishment of a recreational marijuana establishment until June 30, 2018 to provide time for the Town to review the state CCC regulations, guidelines and protocols for the issuance of licenses for recreational marijuana establishments and to conduct a planning process around recreational marijuana issues.

CCC Regulations and Legal Framework

On December 21, 2017, the CCC approved draft regulations. Public hearings were held throughout the Commonwealth and written comments were accepted through February 15, 2018. On March 7, 2018, the Commission promulgated final regulations at 935 CMR 500. The regulations were published in the Massachusetts Register on March 23, 2018.

Some highlights of the regulatory and legal framework regarding recreational marijuana establishments include:

- Host Community Agreements (HCA)
  The Town and the marijuana establishment or RMD must enter into a HCA which among other items addresses the Community Impact Fee. Under state law, a HCA must be executed between a marijuana establishment (or RMD) and the Town prior to the filing of an application with the CCC.

- Community Outreach Requirements
  The CCC requires applicants to conduct a community outreach hearing within 6 months prior to filing an application.

- Compliance with Local Zoning
  The CCC requires the town to respond within 60 days of the date of notification of a license application that the applicant's proposed use does or does not comply with local bylaws and is or is not within 500 feet of a school. If the town fails to submit certification within 60 days, it will be deemed by the CCC to be in compliance.

- Right to Convert Medical Marijuana to Recreational Marijuana
  Under the Marijuana Act, under certain circumstances, an existing Medical Marijuana RMD may convert to recreational marijuana as of right. The CCC's Municipal Guidance Issued in March 2018 addressed the issue of Conversion from medical to recreational stating:

  "Zoning bylaws or ordinances are not permitted to operate to prevent the conversion of an RMD registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment for adult use engaged in the same type of activity. The Commission interprets conversion to include not only replacing the operation of a registered marijuana dispensary entirely with the operation of a marijuana establishment, but also to address adding marijuana establishment operations to the operations of a RMD.

  "There is legislation pending (https://malegislature.gov/Bills/190/H4284) that clarifies this interpretation. In other words, a registered marijuana dispensary that has received its provisional or final registration no later than July 1, 2017 is grandfathered against zoning bylaws or ordinances that would prevent it from conducting the same type of activities for adult use of marijuana that it is engaged in for medical use of marijuana."

  In addition, the CCC's Municipal Guidance stated:

  "If a municipality enacts a complete prohibition on marijuana establishments for adult use through a general bylaw or ordinance, the Commission will not issue a licenses so as to authorize the conversion of a registered marijuana dispensary to a marijuana establishment for adult use in that municipality."

Town Counsel believes that there is a potential conflict between this last statement by the CCC and language in the Marijuana Act of 2017 and that the legal issue as to whether a conversion can be blocked is unsettled.

Sharon Planning Process

After the Special Town Meeting in November 2017, the Town began a comprehensive planning process. This process, involved voters, town officials including the Police Chief, the Fire Chief, the Superintendent of Schools, members of the Police, Fire and School Departments, the Board of Health, and other Town departments. The process consisted of evaluating potential impacts, positive and negative, of licensing the sale of recreational marijuana in the Town, examination of zoning and permitting concerns, reviewing projected revenue, and defining potential areas requiring mitigation.

Four Daughters Compassionate Care, Inc. ("Four Daughters"), was established in 2015 by Brian Striar, a Sharon resident. Four Daughters is provisionally licensed to operate a Registered Marijuana Dispensary ("RMD") for medical marijuana in the Town of Sharon. They participated extensively in this due diligence process. Sharon CARES, a group of concerned Sharon residents who oppose locating a recreational marijuana establishment in Sharon, were also active participants.

Options Being Presented At Town Meeting

Voters at Town Meeting will be presented with four articles that deal with the issue of recreational marijuana establishments in Sharon. Below are short summaries of each and the relationship between them. A more detailed discussion of each Article follows.

Article 21 – Ban on Marijuana Retailers

Article 21 would enact a Zoning Bylaw amendment to prohibit the establishment of Marijuana Retailers (entities "licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers") in the Town of Sharon. This prohibition would not affect the sale of medical marijuana as expressly authorized by the current provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (which may be amended from time to time). If Article 21 is passed at Town Meeting, it would not become valid under state law unless a corresponding Ballot Question (which has been placed on the May 15, 2018 Town Election Ballot) with identical language prohibiting the establishment of Marijuana Retailers in the Town of Sharon also passes. The Town Meeting vote requires a 2/3rds vote to pass. The Ballot Question requires a majority vote to pass. Finally, the Zoning Bylaw amendment must be approved by the Attorney General to become effective.

Since Four Daughters holds a Medical Marijuana License issued by the Massachusetts Department of Public Health prior to July 1, 2017 and because the Town of Sharon voted yes for Question 4, Four Daughters appears to have the legal right to convert from Medical Marijuana and include Recreational Marijuana. Because of their right to convert, there is uncertainty whether a ban would be valid as against Four Daughters, if the ban proposed under Article 21 passes both at Town Meeting and at the Town Ballot on May 15, 2018 and is approved by the Attorney General.

Article 22 – Zoning for Recreational Marijuana Establishments

Article 22 would amend the current Zoning Bylaw by including Marijuana Establishments in the zone for Registered Marijuana Dispensaries. This change would allow the cultivation and sale of recreational marijuana only under the zoning that has been set for medical marijuana establishments. Adopted at the May 2014 Annual Town Meeting by unanimous vote, the current Sharon Zoning Bylaws pertaining to medical marijuana allow RMDs only in the Light Industrial (LI) District upon receipt of a special permit by the Zoning Board of Appeals. The LI District is located along a portion of Route 1 in Sharon as shown on the Zoning Map on page 62. Under current zoning, no RMD shall be located less than four hundred (400) feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day care center, nursing home or hospital.

Regardless of whether an individual is in favor or opposed to this article, the Finance Committee strongly recommends adoption of this Zoning Bylaw to ensure that recreational marijuana is regulated by the Town. In the event that Article 21 passes at Town Meeting but does not pass at the May 15, 2018 election or that Four Daughters successfully challenges the application of Article 21 to its' right to convert to recreational marijuana under the existing law, failure to pass this article would result in no effective regulation over the zoning or permitting of recreational marijuana establishments in Sharon. Because this is a zoning article, it requires a 2/3rd vote to pass.

Article 23 – Limit on Number of Marijuana Establishments

Article 23 would amend the Zoning Bylaw relative to recreational marijuana retail establishments by limiting such establishments to 20% of the number of licenses for the sale of alcohol not to be consumed on the premises where sold. Sharon currently has 5 such licenses so this would effectively limit the number of recreational marijuana retail establishments in Sharon to one. Because this is a zoning article, it requires a 2/3rd vote to pass.

Article 24 – Sales Tax of 3%

Article 24 would adopt the maximum local option Sales Tax of 3% for the sale of recreational marijuana. This article requires a majority vote to pass.

Economic Impacts of Recreational Marijuana Establishment in Sharon

Town of Sharon Review

In a process led by Town Administrator Fred Turkington, the Town of Sharon evaluated the economic impact and other impacts to the Town of Sharon from the permitting of a recreational marijuana establishment. The Town undertook a plausibility analysis to look at several different models for estimating the marijuana consumption, sales and associated revenue in Massachusetts and for Sharon. The analysis included extrapolation of Colorado sales data to Massachusetts demographic data (including data on marijuana usage among those over 21) and review of estimates from the Massachusetts Department of Revenue. In the analysis, the Town limited the demographic data to the population over the age of 21 in the 25 mile area surrounding Sharon. Part of the rationale for the 25 mile radius is that Sharon is one of the few towns in Southeastern

Massachusetts to approve the ballot measure (the only abutting towns to also approve were Stoughton and Mansfield). The Town estimated that Four Daughters would generate up to $25.2 million in annual store revenues generating $756,000/year in sales tax (to the Town General Fund) and $756,000/year in Community Impact Fees (to be kept in a fund to pay for mitigation measures).

In addition, the Town estimated that Sharon would receive an additional $420,000/year (to the Town General Fund) from Four Daughters growing activities based on the statement by Four Daughters that under a Community Host Agreement, the Town would receive a payment equal to 3% of the revenue of wholesale marijuana sales to their retail store in Plymouth.

The total estimated revenue to the Town was evaluated to be about $1,178,000/year in General Revenue and $756,000 in Community Impact Fees for mitigation. The Town notes that it would take a few years to achieve these amounts. In the long run and over a period of many years, revenue to the Town may fall if prices drop or if more dispensaries open in surrounding areas. (See Town Presentation to Finance Committee – March 26, 2018 which is available on the Finance Committee's page on the Town of Sharon website).

Four Daughters Compassionate Care Position

In a presentation to the Finance Committee on March 26, 2018, Four Daughters provided estimated revenue for the sale of recreational marijuana in Massachusetts to grow from an estimated $457 Million in 2018 to a peak of $1.375 Billion in 2025 according to the Frontier Financial Group, a financial advising consulting firm servicing the cannabis industry. Four Daughters represents that it can produce 7,000 pounds of marijuana buds annually or 112,000 ounces. It projects selling 50% of that output in the Sharon facility and 50% out of a retail facility it will operate in Plymouth.

Four Daughters projects that after holding back 35% for medical reserves as required by the law, they would sell 36,400 ounces of recreational marijuana at $450/ounce initially generating about $491,000 to Sharon. They state that the amount of Sharon's tax revenue will increase because the 35% holdback for medical sales will decrease after 6 months, freeing up more product for recreational sales. In addition, Four Daughters projects $736,000 to Sharon in Community Impact Fees from the sale of medical and recreational marijuana (the Community Host Agreement covers both medical and recreational marijuana sales). Finally, Four Daughters projects an additional $420,000 in unrestricted revenue to the Town for sales of wholesale marijuana to its Plymouth facility under the Community Host Agreement with Sharon from wholesale activities. In summary, Four Daughters projects $911,000 in general fund revenue and $736,000 in Community Impact Fees. (See Four Daughters March 26, 2018 presentation to Finance Committee.)

Sharon CARES Position

Sharon CARES spokespersons and individuals opposed to the siting of a recreational marijuana establishment in Sharon believe that the tax revenue and Community Impact Fee revenue estimates presented by the Town and Four Daughters are overstated. They believe the average per store annual sales of marijuana in Colorado is $2.1 million and that should be the number used for Four Daughters.

Further, they believe that the per capita purchases of marijuana in Colorado is $215/person and therefore, since 17,500 people would be in the area served by Four Daughters, the annual sales

would be $3.1 million. (See Sharon CARES presentation to the Finance Committee on March 26, 2018). Additionally, a few individuals who wrote to the Finance Committee believe that the $450/ounce selling value used by Four Daughters is too high and a more appropriate range is $250 - $350/ ounce. They believe that the current pricing in Colorado and Washington State (peak price around $250) is more accurate. They also question that the projected sales volume is too high and that Four Daughters will not be able to sell all that they grow. Finally, they believe that Sharon will face local competition from other recreational marijuana sales establishments and from other medical dispensaries that might also seek to convert.

Sharon CARES argues that the Town could lose money because "assuming $3.8M annual sales by Four Daughters" the annual Community Impact Fees would bring Sharon $228,000. They continue that if "all the community impact measures estimated by the town are enacted" then $600,000 will be incurred, leaving the Town with a deficit of $372,000. (See Sharon CARES presentation to the Finance Committee on March 26, 2018).

Sharon Board of Health Position

The Sharon Board of Health took a position on this article on January 23, 2018, stating that: Medical marijuana was approved by Massachusetts in 2012 and in 2016, Massachusetts also legalized marijuana for recreational use. Legal marijuana is here. Marijuana retail sales provide for local sales tax revenue of 3% to the general fund and an additional 3% as a dedicated "Community Impact Fee". This money is specifically allocated for drug and substance abuse education, prevention, and monitoring through the school department and all public safety organizations. Given the fact that Sharon residents will have easy access to purchase cannabis and cannabis products whether sold in Sharon itself or in some of our neighboring communities, the Sharon Board of Health is in favor of allowing the regulated retail sale of marijuana in the town. This will enable us to take full advantage of collecting our share of any tax revenue generated and using it to promote the health and well-being of our citizens.

Finance Committee's Considerations

Projected Revenue

Revenue estimates and projections are just that, projections. While necessary tools in decision making, projections by their nature are subject to debate. The Colorado experience is helpful to understand the growth in market sales, but the recreational marijuana legal framework in Massachusetts is very different than in Colorado. For example, Colorado has over 500 retail stores licensed to sell marijuana. In contrast, Massachusetts has provided a local option for towns to ban marijuana establishments and the ability for towns to limit the number of marijuana establishments. As of now, 59 towns in Massachusetts have adopted bans on marijuana establishments. Other towns have enacted temporary moratoriums and are contemplating bans or zoning limitations. It appears that Massachusetts will have substantially fewer marijuana establishments than Colorado, making it more likely that fewer establishments will generate far greater revenue per establishment than in Colorado. The economics of supply and demand for marijuana sales in Massachusetts will drive pricing and the ability of a dispensary to sell all they can grow. Given the growing number of limitations in other towns, a dispensary in Sharon could achieve far stronger sales revenue than the estimates presented here. The resulting benefit could be substantial increased tax revenue to the Town.

The pricing data cited by those who argue the price of marijuana should be valued at $350, not $450 per ounce, is for medical marijuana. That product is not subject to the 26% tax from the state and localities. When the tax is added, the selling point is very close to the $450 being used for revenue projections. The Finance Committee believes that the projections of revenue provided by the Town estimated at $1,178,000/year in General Revenue and $756,000 in Community Impact Fees and the projections by Four Daughters of $911,000 in General Revenue and $736,000 in Community Impact Fees are based on reasonable assumptions and logic.

Some members of the Finance Committee believe that the projected ranges of revenue provided by Sharon CARES are unrealistically conservative. First, suggesting to take the revenue per retail store from Colorado or the per capita revenue from Colorado and apply it to Massachusetts does not make economic sense given the dramatically different factual situations between the licensing of establishments in Colorado versus Massachusetts. Second, Sharon CARES calculations that begin with an assumption of $3.8 Million in sales by Four Daughters do not seem realistic given that Four Daughters projects to sell 36,000 ounces (after reduction for medical reserves) in Sharon and is also contributing revenue to Sharon under a Community Host Agreement for its wholesale sales of approximately another 55,000 ounces to Plymouth.

Community Impact Fees

The Community Impact Fees collected under the Host Community Agreement are best characterized as similar to a revolving fund. Using monies from this fund, the Town may offset costs incurred associated with the establishment of a recreational marijuana facility by Four Daughters at the RMD located on Route 1. In the due diligence process conducted by the Town, several potential mitigation costs were identified by the Police, Fire, Schools and other departments. These mitigation measures include (see Recreational Marijuana Planning Process Presentation to Sharon Finance Committee January 22, 2018):

Police

- Annual training for 5 police officers on assessing impairment from marijuana
- Addition of a Substance Abuse officer to SPD
- Drug Education Materials for use by SPD
- ID Checker at RMD register
- Police details during first 3 months of RMD operations and as needed in future
- Addition of a Police Canine unit

Schools

- Cameras for all school campuses
- Additional School Resource Officer (1)
- Vaping/safety/marijuana detection devices
- Additional Health teachers (2)
- Additional School Nurse (1)
- Other Educational Materials and Resources

These mitigation measures would be implemented by the Town during the annual budget process, taking into account need for services and the available amount being accumulated in the Community Impact Fees account.

Some members of the Finance Committee disagree with the argument by Sharon CARES that if "all the community impact measures estimated by town are enacted" then $600,000 will be incurred, leaving the Town with a loss of $372,000. In fact, the Town would not incur those expenses unless the services were needed under reduced estimates of sales and corresponding revenue were available.

Societal Impacts of Siting a Recreational Marijuana Establishment in Sharon

There is little disagreement that the legalization of marijuana in the Commonwealth will have an impact across Massachusetts and in Sharon. Some people see benefits as a result of the right to have legal access to marijuana for private consumption. Others are concerned that legalization will lead to the proliferation of drugs and negatively impact the public safety and our children.

The Finance Committee understands and recognizes that these are real and important concerns. However, the question facing the Town is not whether these impacts will happen in Sharon, but whether additional negative impacts will occur as a result of siting a recreational marijuana establishment in Sharon on Route 1 and whether those negative impacts outweigh the potential benefits to the Town.

To answer this question, the Finance Committee sought input from the community about any specific impact to Sharon from the siting of a facility on Route 1 in Sharon in the Light Industrial District. Most of the responses provided generalized impacts as a result of legalization of marijuana. Sharon CARES provided a link to a study in Denver that stated "researchers found that crime isn't higher in the area immediately surrounding marijuana outlets. But adjacent areas saw about 84 more property crimes per year than neighborhoods without a nearby marijuana store. In Denver, no significant increase in violent crime was seen as a result of marijuana sales." That same study noted "Putting this risk in context, marijuana outlets led to similar levels of property crime as bars, liquor stores and restaurants that serve alcohol, data from the study suggests. And businesses that sold alcohol led to much more violent crime than marijuana outlets." https://phys.org/news/2017-04-legal-marijuana-property-crime.html . Sharon CARES presented information regarding statements made by the Denver District Attorney regarding the negative impacts and experience in high intensity trafficking areas in Colorado.

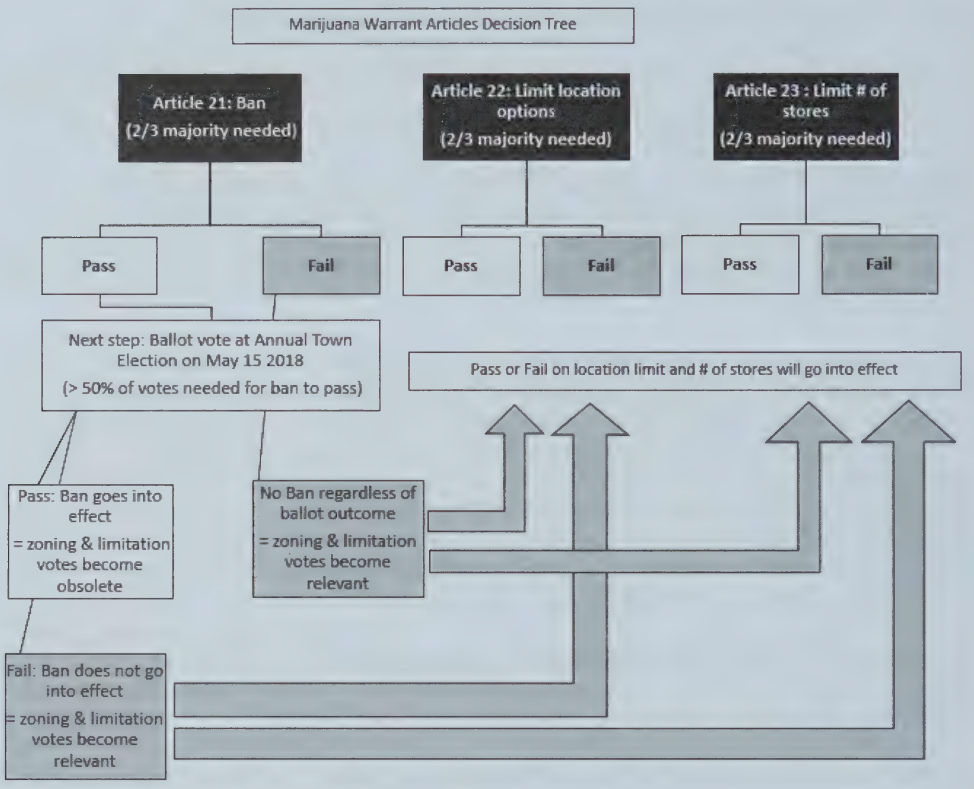
A majority of the members of the Finance Committee did not find any persuasive information or data that could establish any identifiable risks or issues to Sharon from locating a facility on Route 1. They believe the Town of Sharon, like every community in Massachusetts, faces potential impacts from the legalization of marijuana. Ultimately, the question becomes, are the costs to the Town associated with the siting of a recreational marijuana facility on Route 1 greater than the benefits the Town would receive from that facility. Simply put, would the Town benefit more by receiving revenue and Community Impact Fees, or would it be better to ban recreational marijuana and seek other revenue sources to address these impacts.

At the Finance Committee Meeting on April 2, 2018, David Blaszkowsky, Chairman of the Planning Board, shared a detailed report by the Planning Board regarding this article and explained that three of the four members of the Planning Board were against the ban and for insuring that Sharon receive the much needed revenue.

The Board of Selectmen did not take a position on this article.

The Planning Board voted 1-3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 2-9-0 IN FAVOR OF APPROVAL.



Article 22: **Zoning By-Law Change: Permit Recreational Marijuana Establishments in the Light Industrial District**

Sponsored by: *Planning Board*

To see if the Town will vote to amend the Zoning Bylaw by amending Section 2334: Uses and accessory uses allowed by Special Permit in the Light Industrial District and Section 3600: Registered Marijuana Dispensaries, to allow marijuana establishments within the Light Industrial District, as follows:

Amend Section 2334 by adding a new subsection n. as follows:

n. Registered Marijuana Dispensaries and Marijuana Establishments as provided in Section 3600. These uses shall not be considered accessory uses.

Amend Section 3600 to add "and Marijuana Establishments" in the title.

Amend Subsection 3610 - Definitions to add the following definition of marijuana establishments:

Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

And to amend the definition of Registered Marijuana Dispensary (RMD) to add the words "or for profit" after the word "not-for-profit."

Amend Subsection 3620 – Siting Requirements to include Marijuana Establishments, and to change the manner of measurement for the buffer zone distance, as follows:

a. All RMDs and Marijuana Establishments, as defined in Subsection 3610 of this Zoning Bylaw are allowed only in the Light Industrial (LI) District upon the granting of a special permit by the Zoning Board of Appeals.

b. No RMD or Marijuana Establishment shall be located less than 400 feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day-care center, nursing home or hospital. The minimum distance specified above shall be measured in a straight line from the nearest property line in question to the nearest property line of the proposed RMD or Marijuana Establishment, except where the distance to be measured crosses Interstate 95 or US Route 1, in which case the distance shall be limited by and measured only to the boundary of such highway.

Amend Subsection 3640 – Sign Requirements to include Marijuana Establishments, as follows:

a. Only one sign, to be mounted flat on the building wall face, shall be allowed for an RMD or Marijuana Establishment. The area of this wall sign shall be not more than 10% of the projected area of the elevation it is attached to, except that no sign shall exceed 30 square feet.

d. No RMD or Marijuana Establishment may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate or contain reflective or fluorescent elements.

Amend Subsection 3650.a (2) and (3) – Special Permit submission and approval to include Marijuana Establishments, as follows:

(2) The distances between the proposed RMD or Marijuana Establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, day-care center, nursing home and hospital, and municipal building open to the general public.

(3) Copies of all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the RMD or Marijuana Establishment.

Amend Subsection 3650.c (1) and (3) as follows:

(1) Any special permit granted hereunder for an RMD or Marijuana Establishment shall lapse after one year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause, including such time to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof.

(3) In addition to the requirements of Subsection (2) above, a special permit granted hereunder shall have a term limited to the duration of the applicant's ownership and use of the premises as an RMD or Marijuana Establishment. A special permit granted hereunder is nontransferable and nonassignable.

Amend Subsection 3660 – Existing RMDs, to include Marijuana Establishments, as follows:

3660 Existing RMDs and Marijuana Establishments.

Any RMD or Marijuana Establishment that was in existence as of the first date of the publication of the notice of public hearing on this zoning amendment regulating medical marijuana uses or marijuana establishments may continue to operate in the same location, without material change in scale or content of the business, but shall apply for such special permit within 90 days following the adoption of this bylaw and shall thereafter comply with all of the requirements herein.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Article 22 would amend the Zoning Bylaw by including Marijuana Establishments in the current zoning in the Town of Sharon for Registered Marijuana Dispensaries, thus allowing the cultivation and sale of recreational marijuana under the same essential conditions as have been set for medical marijuana establishments under the current zoning. Adopted at the May 2014 Annual Town Meeting by unanimous vote, the current Sharon Zoning Bylaws pertaining to medical marijuana allow RMDs only in the Light Industrial (LI) District upon the granting of a special permit by the Zoning Board of Appeals. LI is located along a portion of Route 1 in Sharon as shown on the attached zoning Map. Under current zoning, no RMD shall be located less than four hundred (400) feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious

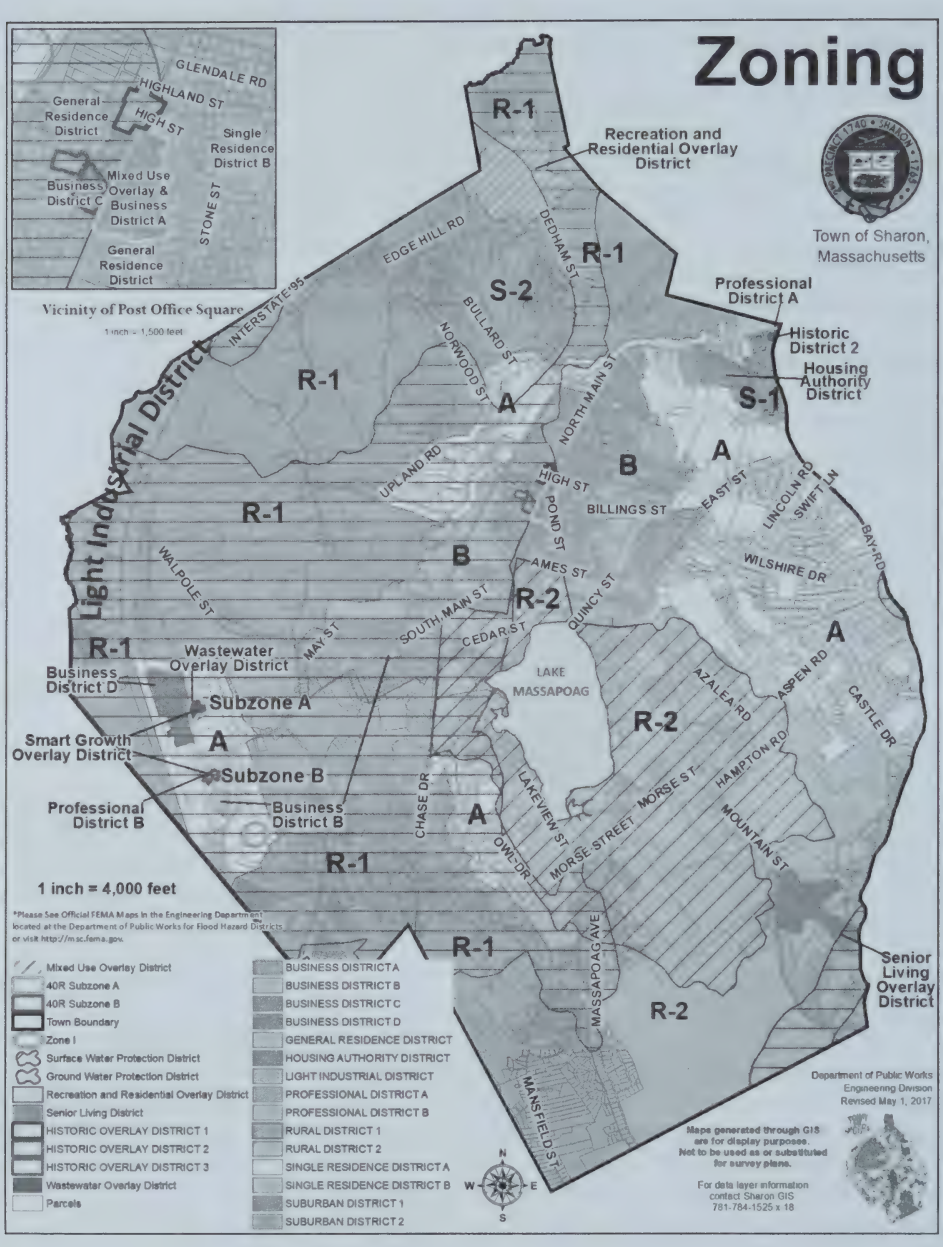
facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day care center, nursing home or hospital.

Regardless of whether an individual is in favor or opposed to this article, adoption of this Zoning Bylaw is to insure that recreational marijuana is regulated by the Town in the event that Article 22 passes at Town Meeting but does not pass at the May 15, 2018 election or that Four Daughters successfully challenges the application of Article 22 to it since it has already received a Medical Marijuana license prior to July 1, 2017 and would have a right to convert that to recreational marijuana under the existing law. Because this is a zoning article, it requires a 2/3rd vote to pass. Failure of the Town to pass this article would result in the Town having no effective regulation over the zoning or permitting of recreational marijuana establishments within Sharon.

The Board of Selectmen voted 3-0-0 in favor of approval.

The Planning Board voted 4-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.


Zoning
Town of Sharon, Massachusetts
Vicinity of Post Office Square
1 inch = 1,500 feet
General Residence District
Single Residence District B
Business District C
Mixed Use Overlay & Business District A
General Residence District
GLENDALE RD
HIGHLAND ST
HIGH ST
STONE ST
Recreation and Residential Overlay District
Professional District A
Historic District 2
Housing Authority District
Light Industrial District
Wastewater Overlay District
Business District D
Subzone A
Smart Growth Overlay District
Subzone B
Professional District B
Business District B
Senior Living Overlay District
LAKE MASSAPOAG
EDGE HILL RD
DEDHAM ST
BULLARD ST
NORWOOD ST
NORTH MAIN ST
INTERSTATE 95
UPLAND RD
HIGH ST
POND ST
BILLINGS ST
EAST ST
LINCOLN RD
SWIFT LN
BAY RD
WILSHIRE DR
WALPOLE ST
AMES ST
QUINCY ST
SOUTH MAIN ST
CEDAR ST
MAY ST
AZALEA RD
ASPEN RD
CASTLE DR
HAMPTON RD
MORSE ST
MORSE STREET
MOUNTAIN ST
LAKEVIEW ST
CHASE DR
OWL DR
MASSAPOAG AVE
MANSFIELD ST
R-1
R-2
S-1
S-2
A
B
1 inch = 4,000 feet
*Please See Official FEMA Maps in the Engineering Department located at the Department of Public Works for Flood Hazard Districts or visit http://msc.fema.gov
Mixed Use Overlay District
40R Subzone A
40R Subzone B
Town Boundary
Zone I
Surface Water Protection District
Ground Water Protection District
Recreation and Residential Overlay District
Senior Living District
HISTORIC OVERLAY DISTRICT 1
HISTORIC OVERLAY DISTRICT 2
HISTORIC OVERLAY DISTRICT 3
Wastewater Overlay District
Parcels
BUSINESS DISTRICT A
BUSINESS DISTRICT B
BUSINESS DISTRICT C
BUSINESS DISTRICT D
GENERAL RESIDENCE DISTRICT
HOUSING AUTHORITY DISTRICT
LIGHT INDUSTRIAL DISTRICT
PROFESSIONAL DISTRICT A
PROFESSIONAL DISTRICT B
RURAL DISTRICT 1
RURAL DISTRICT 2
SINGLE RESIDENCE DISTRICT A
SINGLE RESIDENCE DISTRICT B
SUBURBAN DISTRICT 1
SUBURBAN DISTRICT 2
N
W
E
S
Maps generated through GIS are for display purposes. Not to be used as or substituted for survey plans.
For data layer information contact Sharon GIS 781-784-1525 x 18
Department of Public Works
Engineering Division
Revised May 1, 2017

Article 23: **Zoning By-Law Change: Limit the Number of Recreational Marijuana Retailers**

Sponsored by: *Planning Board*

To see if the Town will vote to amend the Zoning Bylaw by amending Section 3600: Registered Marijuana Dispensaries and Marijuana Establishments, to limit the number of Marijuana Retailers to no more than 20% of the number of licenses issued within the Town under § 15 of M.G.L. c. 138 for the retail sale of alcoholic beverages not to be drunk on the premises where sold, within the Light Industrial zoning district, as follows:

Amend Subsection 3620 – Siting Requirements to add a new subsection (d) as follows:

d. The number of marijuana retailers that shall be permitted in the Town of Sharon is limited to twenty percent (20%) of the number of licenses issued within the Town under § 15 of M.G.L. c. 138 for the retail sale of alcoholic beverages not to be drunk on the premises where sold.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Article 23 would amend the Zoning Bylaw relative to recreational marijuana retail establishments by limiting such establishments to being 20% of the number of licenses for the sale of alcohol not to be drunk on the premises where sold. This provision would effectively limit the number of recreational marijuana retail establishments in Sharon to one. Because this is a zoning article, it requires a 2/3rd vote to pass.

At the Finance Committee Meeting on April 2, 2018, David Blaszkowsky, Chairman of the Planning Board, noted that the Planning Board might reconsider this position to allow a discussion as to whether there would be an increased economic benefit to Sharon by leaving not limiting the number of potential establishments and just let the zoning restrictions regulate the number of facilities.

Members of the Finance Committee expressed a desire to "start slow" and insure that the operations of a facility in Sharon were monitored closely before increasing the number of licenses.

The Board of Selectmen voted 3-0-0 in favor of approval.

The Planning Board voted 4-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 9-2-0 IN FAVOR OF APPROVAL.

Article 24: **Adoption of Sales Tax for the Sale or Transfer of Marijuana or Marijuana Products**

Sponsor: *Board of Selectmen*

To see if the Town will vote to accept the provisions of M.G.L. c. 64N, § 3, to impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Sharon to anyone other than a marijuana establishment at a rate of 3%, or the highest amount that may be permitted by law, of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of this Town Meeting.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:
Article 24 would adopt the maximum local option Sales Tax of 3% for the sale of recreational marijuana. This article requires a majority vote to pass.

The Finance Committee agreed that the Town should maximize its revenue opportunities from the establishment.

The Board of Selectmen voted 3-0-0 in favor of approval.

The Planning Board voted 4-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 11-0-0 IN FAVOR OF APPROVAL.

And furthermore, in the name of the Commonwealth you are hereby required to notify and warn the inhabitants of Sharon who are qualified to vote in Elections to vote at:

Precincts 1, 2, 3, 4 & 5
Sharon High School Gymnasium, 181 Pond Street, Sharon, MA
on Tuesday, May 15, 2018 from 7:00am to 8:00pm for the following purpose:

To cast their votes in the Annual Town Election for the candidates for the following offices:

1 Member Board of Selectmen – 3 year term
1 Member Board of Assessors – 3 year term
3 Members School Committee – 3 year term
1 Member Planning Board – 5 year term
2 Trustees of Public Library – 3 year term
1 Member Housing Authority – 5 year term

And for the following ballot question:

QUESTION NO. 1

Shall the Town of Sharon adopt the Zoning Bylaw amendment as set forth below which amendment would prohibit the operation of all types of Marijuana Retailers as defined in G.L. c. 94G, § 1, within the Town of Sharon, with the exception as within the text of the proposed By-Law, the full text of which, and a summary of which, appears below?

Text of Zoning Bylaw Amendment:

Section 3700 – Marijuana Retailers. Consistent with M.G.L. c. 94G, § 3(a)(2), all types of non-medical "Marijuana Retailers" as defined in M.G.L. c. 94G, § 1 shall be prohibited within the Town of Sharon. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

Summary:
General Laws Chapter 94G, Section 3, allows cities and towns in the Commonwealth to approve By-Laws or Ordinances prohibiting certain Marijuana Establishments to operate. The above question, if voted in the affirmative, would approve the Town Meeting vote of May 7, 2018, to enact a Zoning Bylaw amendment which would prohibit the establishment of Marijuana Retailers in the Town of Sharon, such term being defined in Chapter 94G, § 1 as "an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers." This prohibition would not affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

YES _____ NO _____

Hereof fail not, and make due return of this Warrant with your doings thereon at the time and place of said meeting. And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town by-laws.

Given under our hands this 10th day of April, A.D., 2018

BOARD OF SELECTMEN, TOWN OF SHARON

John J. McGrath, Chair

William A. Heitin, Clerk

Walter B. Roach, Jr.

A True Copy: Daniel Sirkin, Constable
Sharon, Massachusetts
Dated: April 10, 2018

NOTES

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SHARON, MA 02067

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